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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic report of States parties due in 1997

Addendum

Finland*

[14 November 1997]

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* This document contains the thirteenth and fourteenth periodic reports, submitted in one document, due on 13 August 1995 and 1997, respectively. For the eleventh and twelfth periodic reports of Finland and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/240/Add.2 and CERD/C/SR.1141 and 1142.

The appendices and annexes to the report submitted by the Government of Finland may be consulted in the Secretariat's files.

The information submitted by Finland in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/1/CORE/Add.59/Rev.1.

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Introduction

1. This is the combined thirteenth and fourteenth periodic reports of the Government of Finland on the International Convention on the Elimination of All Forms of Racial Discrimination. The report concentrates on the issues which were taken up in the concluding observations of the Committee on the Elimination of Racial Discrimination adopted after the consideration of the combined eleventh and twelfth periodic reports of Finland in the Committee at its forty-eighth session in March 1996 (CERD/C/304/Add.7). Moreover, the report includes answers to the questions which were left unanswered due to the lack of time at the consideration of the report.

2. The report has been drafted in a working group consisting of representatives of various ministries. Various non-governmental organizations as well as some other bodies were asked to send written statements for the preparation of the report. In addition, a hearing was organized in April 1997 for NGOs, labour organizations and advisory boards, giving them an opportunity to present their views and comments on the draft report.

I. GENERAL INFORMATION

A. Legislation

Fundamental rights reform

3. The provisions on fundamental rights contained in the Constitution Act (94/1919) were revised in their entirety by an Act of Parliament (969/1995), which entered into force on 1 August 1995. This reform modernized Finland's system of fundamental rights. Now fundamental rights apply not only to Finnish citizens but to all persons within the jurisdiction of Finland. Finland's previous report outlined the principal provisions contained in the Government Bill introduced to Parliament in 1993. Some of these provisions underwent slight changes during parliamentary proceedings, as was noted already in the consideration of the eleventh and twelfth periodic reports of Finland in March 1996.

4. The rights laid down in the Constitution were extended and specified in line with international human rights treaties. Accordingly, the new constitutional provisions extend an individual's legal protection beyond traditional civil and political rights to include also economic, social and cultural rights. Altogether the new fundamental rights relate to the environment, elections and social participation, a fair trial and administrative guarantees of legal protection. The text of the new fundamental rights is more detailed than before. After all, one of the principal purposes of the reform was to make fundamental rights more directly applicable in courts of justice and before other authorities.

5. No new supervisory organs were established as a result of the reform. It is prescribed that the Chancellor of Justice of the Council of State and the Parliamentary Ombudsman shall supervise the implementation of fundamental rights and international human rights (sects. 46 and 49). Courts and other public authorities shall secure the implementation of fundamental rights and of international human rights (sect. 16 (a)).

6. The fundamental rights reform serves to reinforce the rights of ethnic minorities and foreigners in the Constitution. Section 5 of the Constitution Act contains a specific general provision against discrimination. The Section reads as follows:

> "All persons shall be equal before the law.
>
> No one shall, without acceptable grounds, be afforded a different status on account of sex, age, origin, language, religion, conviction, opinion, state of health, disability or any other reason related to the person.
>
> Children shall be treated equally as individuals and shall be permitted to influence matters affecting them according to their degree of maturity.
>
> Equality of the sexes shall be promoted in social activities and in working life, particularly in the determination of remuneration and other terms of service, in a manner more precisely specified by Act of Parliament."

7. Section 7 of the Constitution Act concerns freedom of movement. Accordingly:

> "Finnish citizens and aliens lawfully resident in Finland shall have the right to move freely within the country and to choose their place of residence.
>
> Everyone shall have the right to leave the country. Necessary restrictions on this right may be prescribed by Act of Parliament in order to ensure legal proceedings or the enforcement of a penalty or to secure performance of the obligation to defend the country.
>
> Finnish citizens shall not be prevented from returning to the country, nor shall they be expelled from the country or extradited or transported to another country against their will.
>
> Provisions on the right of aliens to enter Finland and to reside in the country shall be prescribed by Act of Parliament. No alien may be expelled, extradited or returned if, on account of this, he/she risks the death penalty, torture or other degrading treatment."

8. No changes have been made to the status of Finnish and Swedish in the Constitution (sect. 14 (1) and (2)). A mention of the status of the Sami as an indigenous people is made in section 14 (3). This provision safeguards the right of the Sami, Romanies and other groups to maintain and develop their own languages and cultures. It also lays down the rights of those who use sign language. The Section reads as follows:

> "The national languages of Finland shall be Finnish and Swedish.

> The right of everyone to use his own language, whether Finnish or Swedish, as a party in proceedings before a court of law or other authority, and to obtain documents from them in that language, shall be guaranteed by Act of Parliament. Public authorities shall take care to provide for the educational, cultural and social needs of the Finnish-speaking and the Swedish-speaking populations of the country according to similar principles.
>
> The Sami as an indigenous people as well as the Romanies and other groups shall have the right to maintain and develop their own languages and cultures. Provisions governing the right of the Sami to use the Sami language before the public authorities shall be prescribed by Act of Parliament. The rights of those who use sign language and of those who require interpretation or translation because of a disability shall be guaranteed by Act of Parliament."

9. See also Section III of the core document.

Penal Code

10. The second part (578/1995) of the overall reform of the Penal Code, the Government Bill for which was described in the previous report, entered into force in the beginning of September 1995.

11. Chapter 11, sections 6 and 7 of the Penal Code prohibit genocide and the preparation of genocide.

12. Ethnic agitation is punishable under chapter 11, section 8. In the opinion of the Government the proposed provision on ethnic agitation, which was to be more strictly applied, should exclude from its scope of application "any statements which are, for example, jocular, thoughtless or emotional and which need not be taken seriously". Parliament did not share this opinion, and thus deleted from the Government Bill the words "in order to cause violence, hostility or discrimination against that group, and if the act is likely to produce the said consequences". The proposed reduction in the maximum penalty of imprisonment from two years to one year was not carried out, as observed with satisfaction by the Committee on the Elimination of Racial Discrimination during the consideration of the previous report.

13. Discrimination is punishable under chapter 11, section 9 and discrimination in working life under chapter 47, section 3. The latter section refers to the same grounds of discrimination as chapter 11, section 9. The provision on discrimination in working life shall be applied if an employer or his/her representative, when advertising a vacancy, recruiting an employee or in the course of employment, places without weighty, acceptable grounds an applicant or an employee in a disadvantageous position. The punishment imposed in such a case is a fine or imprisonment for a maximum of six months.

14. Chapter 11, sections 6-9 read as follows:

Section 6, Genocide:

"A person who for the purpose of entirely or partially destroying a race or national, ethnic or religious group or another comparable group

1. kills members of the group;
2. inflicts grievous bodily or mental damage or illness to members of the group;
3. takes forcible measures to prevent procreation among the group;
4. forcibly moves children from one group to another; or
5. in another comparable manner impairs the survival of the group

shall be sentenced for genocide to imprisonment for a minimum of four years or for life.

An attempt shall be punished."

Section 7, Preparation of Genocide:

"A person who for the purpose referred to in Section 6

1. conspires with another on genocide; or
2. makes a plan for genocide

shall be sentenced for the preparation of genocide to imprisonment for a minimum of four months and for a maximum of four years."

Section 8, Ethnic Agitation:

"A person who spreads statements or other notices among the public where a certain race or national, ethnic or religious group or a comparable group is threatened, slandered or insulted shall be sentenced for ethnic agitation to a fine or to imprisonment for a maximum of two years."

Section 9, Discrimination:

"A person who in his trade or profession, service of the general public, exercise of official authority of other public function or in the arrangement of a public amusement or meeting, without a justified reason

1. refuses someone service in accordance with the generally followed conditions;

2. refuses someone entry to the amusement or meeting or ejects him; or

3. places someone in an unequal or an essentially inferior position

due to his race, national or ethnic origin, colour, language, sex, age, family ties, sexual orientation, state of health, religion, political orientation, political or industrial activity or another comparable circumstance shall be sentenced, unless the act is punishable as industrial discrimination, for discrimination to a fine or to imprisonment for a maximum of six months."

15. Chapter 47, section 3, of the Penal Code reads as follows:

> "An employer or his/her representative who, upon advertising a vacancy or recruiting a person or in the course of the employment relationship, places without weighty, acceptable grounds a candidate or an employee in a disadvantageous position on account of
>
> 1. race, national or ethnic origin, colour, language, gender, age, family relations, sexual preferences or health or
>
> 2. religion, opinions, political or professional activities or any other comparable grounds,
>
> shall be sentenced for discrimination in working life to a fine or to imprisonment for a maximum of six months."

B. International conventions

16. Finland ratified the European Charter for Regional or Minority Languages on 9 November 1994. In its instrument of acceptance Finland declared that it shall apply a total of 59 provisions of Part III to the Sami language as a regional minority language and a total of 65 provisions to the Swedish language as a less widely used official language in Finland. In addition, Finland declared that it undertakes to apply the general principles of Part II to the Romani language and other non-territorial languages to the appropriate extent.

17. Finland ratified the Framework Convention for the Protection of National Minorities on 3 October 1997. As it was the twelfth ratification the Convention will enter into force on 1 February 1998.

18. Finland has not ratified the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, as the relevant Finnish legislation is not in conformity with the provisions of the Convention, especially with respect to the land rights of the Sami people. For more details, see article 2, The Sami people.

European Bureau for Lesser Used Languages

19. Following Finland's accession to the European Union, the country's linguistic minorities became members of the European Bureau for Lesser Used

Languages (EBLUL). Represented at the Finnish Commission of the Bureau is the Swedish Assembly of Finland (Svenska Finlands Folkting), the Sami Thing (former Sami Parliament), the Finnish Roma, the Russian-speaking population (the so-called Old Russians) and the Tatars in Finland. The Finnish Commission is chaired by the Swedish Assembly of Finland.

C. Organs monitoring discrimination

The Parliamentary Ombudsman and the Chancellor of Justice of the Council of State

20. It is the task of the Parliamentary Ombudsman and the Chancellor of Justice of the Council of State to oversee that public authorities and civil servants, the employees of public corporations and persons performing other public functions comply with the law and fulfil their obligations. In connection with the fundamental rights reform both officials have been assigned the special duty (Constitution Act, sects. 46 and 49) of supervising also the implementation of fundamental rights and human rights, including the provision against discrimination.

Ombudsman for Aliens

21. The Ministry of Social Affairs and Health has appointed an Ombudsman for Aliens responsible for safeguarding foreigners' status and promoting cooperation among foreigners, authorities and various organizations.

22. When the Ombudsman for Aliens learns of discrimination against a foreigner, he/she strives to put a stop to the situation by giving advice and instructions. As a rule, the Ombudsman for Aliens does not assist Finnish citizens belonging to ethnic minorities. Actual cases of discrimination have usually been settled by providing the necessary information, followed by negotiations. The Ombudsman for Aliens rarely starts legal proceedings; instead, he/she assigns a counsel to assist in court the person who has experienced discrimination.

23. The Office of the Ombudsman for Aliens also handles a number of individual cases involving discrimination. For example, restaurants have been constantly reminded not to discriminate against clients. The situation has not been monitored systematically, however.

24. In May 1996, the Office of the Ombudsman for Aliens started paying more attention to discrimination directed against immigrants and began actively collecting information and drafting reports. A project was prepared for the monitoring of discrimination against immigrants. The initial objective was to gain monitoring practice and an overall picture of the phenomenon.

25. The office also started a telephone service which immigrants could call to talk about their experiences. Information was also gathered in questionnaires sent to immigrants.

26. Appendix 1 contains a summary of the investigation carried out between 1 June and 31 December 1996.

Labour protection authorities

27. Independent labour protection authorities ensure that the provisions and regulations concerning labour protection, including the provision against discrimination contained in the Penal Code when it applies to an employment relationship or to recruitment, are duly observed. The labour protection authorities oversee compliance with the provision against discrimination using the following customary methods: they have the right to visit workplaces, study and take copies of the necessary documents and obtain any other information essential to supervision. If such an inspection is made following a report by an employee at the workplace or another person, the authority carrying out the inspection must not disclose this to the employer. This is to ensure that employees dare to freely use the rights granted to them by law. If the inspection reveals an unsatisfactory state of affairs, the employer is given instructions on how to remedy the situation. If there is probable cause to suspect that the employer has discriminated against an employee, the labour protection authorities have the duty to bring charges against the employer.

The Commissioners of the Organization for Security and Cooperation in Europe (OSCE) and the Council of the Baltic Sea States (CBSS)

28. The post of the OSCE High Commissioner on National Minorities was established at the follow-up meeting of the OSCE held in Helsinki in 1992. His/her duty is to respond to situations of conflict relating to national minorities. The OSCE High Commissioner on National Minorities makes visits to member States, issues recommendations and submits reports on these visits.

29. A similar post, that of the Commissioner on Democratic Institutions and Human Rights including the Rights of Persons belonging to Minorities, was established by the CBSS. The three-year term of the first Commissioner of the CBSS began in 1994. The Commissioner visits regularly the 11 member States of the CBSS and issues recommendations in matters of democracy and human rights. In recent years, the Commissioner's recommendations have pertained, for example, to matters of racial discrimination as defined in the International Convention on the Elimination of All Forms of Racial Discrimination. With respect to Finland, the Commissioner has drawn attention, *inter alia*, to the fact that a racist motive for a criminal act does not constitute a ground for increasing the severity of the punishment.

Proposal for an Ombudsman against Ethnic Discrimination

30. The need to establish a post of Ombudsman against Ethnic Discrimination was brought up at the consideration of Finland's eleventh and twelfth periodic reports in March 1996.

31. As stated above, the Parliamentary Ombudsman and the Chancellor of Justice of the Council of State ensure that public authorities and civil servants, the employees of public corporations and persons performing other public functions observe the law and fulfil their obligations. Both officials have been assigned the special duty of supervising also the implementation of fundamental rights and human rights, including the provision against

discrimination. Their right of supervision, however, does not extend to the activities of private individuals, although when supervising the police authorities and prosecutors they can indirectly ensure that discrimination cases are duly investigated and charges brought against the perpetrator.

32. Whenever the Ombudsman for Aliens learns of discrimination against a foreigner, he/she strives to put a stop to the situation by giving advice and instructions. The Ombudsman for Aliens is not, however, responsible for national minorities. The Equality Ombudsman, for his/her part, only interferes in violations of the provision against gender-based discrimination.

33. In 1990 the working party mandated by the Ministry of Justice to investigate discrimination on the grounds of a person belonging to a specific population group suggested that Finland consider appointing an Ombudsman against Ethnic Discrimination. Later the matter was debated by a working party set up on 22 May 1995 by the Ministry of Justice under the direction of the Parliamentary Ombudsman. The working party heard, among others, Sweden's Ombudsman against Ethnic Discrimination and, in their expert capacity, the Advisory Board for Romani Affairs and the Sami Thing, which both were in favour of creating a post of Ombudsman against Ethnic Discrimination. The Ombudsman for Aliens and the Equality Ombudsman were in certain conditions prepared to oversee implementation also of the general provision against discrimination. In spite of this, the working party under the Parliamentary Ombudsman, which submitted its report in June 1996, made no proposal in the matter.

34. The Ministerial Group on Good Ethnic Relations discussed the issue in May 1996 and concluded that it was not necessary to establish a post of Ombudsman against Ethnic Discrimination, as there already exists a system of legality control and special representatives to deal with discrimination cases. Nonetheless, it requested the Anti-Racism Committee to study ways of reinforcing supervision of the non-discrimination principle to the necessary extent. In its Decision-in-Principle for a Government Programme for Migration and Refugee Policy given in October 1997, the Council of State decided that the Ombudsman for Aliens should take charge also of matters related to ethnic discrimination.

D. The Ministerial Group on Good Ethnic Relations and the Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism

35. In recent years in Finland legislative measures have been supplemented by other action to combat racism, including especially the creation of a Ministerial Group at an unofficial meeting of the Government in January 1996. This Ministerial Group is responsible for securing good ethnic relations among citizens, intervening as necessary in manifestations of racism and drafting an action plan to steer general attitudes in a direction that promotes security. Chairing the Ministerial Group is the Minister of Culture, Mr. Claes Andersson. It is composed of six members, all of them Cabinet ministers:

Mr. Enestam, Minister of the Interior, Mr. Haavisto, Minister of the Environment, Ms. Halonen, Minister for Foreign Affairs, Mr. Häkämies, Minister of Justice, Ms. Jaakonsaari, Minister of Labour, and Ms. Mönkäre, Minister of Social Affairs and Health. The Ministerial Group is assisted by the Anti-Racism Committee, consisting of civil servants and chaired by Minister Andersson. The Committee was set up in February 1996 by the Ministry of Education.

36. The Committee drafted the Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism, issued in February 1997. The Decision-in-Principle lays down general measures for all the ministries and their administrations as well as detailed measures for each ministry and its administration. Above all, the aim is to combat racism and promote a generally tolerant atmosphere in the Finnish society, and to help immigrants integrate into society. The Decision-in-Principle enjoins authorities to interfere promptly in racist action and any manifestations of intolerance. It stresses that Finnish legislation provides the instruments to do so. Thus, authorities must seek to lower the threshold to intervention in racist action.

37. Authorities need new skills and knowledge in order to deal with the growing number of immigrants and of racist acts. Plans are therefore under way to train officials. Ethnic relations and issues of discrimination must be increasingly discussed in the administrative publications. Authorities should be reminded of good administrative practice. The principles of good customer service, adequate counselling and observance of the client's right to be heard and to know the rationale behind decisions must be followed also when dealing with immigrants. Active measures will be taken to enhance the opportunities of people belonging to ethnic minorities to be recruited by ministries and the different administrative sectors. Statistics and studies relating to immigrants' status will be improved.

38. The ministries are requested to report to the Anti-Racism Committee on the implementation of the measures defined in the Decision-in-Principle by 1 December 1997.

39. The Decision-in-Principle by the Council of State was preceded by the Action Plan against Racism approved by the Ministerial Group in May 1996. The Action Plan highlights the need to enforce the principle of non-discrimination, monitor racism-related crime and give instructions to the police, enhance the training of officials, develop the educational system, prevent discrimination in the labour market and in business, trade and housing, support the activities of NGOs, organize a conference on racism, address the question of eventual legal amendments on the grounds of articles 2 and 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and prepare for the theme year against racism launched by the European Union in 1997.

E. Advisory boards and commissions

Advisory Board for Refugee and Migrant Affairs

40. The Council of State appointed the Advisory Board for Refugee and Migrant Affairs (PAKSI) for a new term running from 1 March 1995 to 28 February 1998. On the Advisory Board are represented not only the authorities responsible for refugee and migrant affairs but also municipalities, the Finnish Evangelical Lutheran Church, the social partners, certain NGOs such as the Finnish Red Cross and the Refugee Advice Centre, and immigrants themselves. During its new term the Advisory Board will concentrate especially on action programmes aiming for example at promoting tolerant attitudes. Special attention will be paid to immigrants' high unemployment, employment-promoting measures and civil rights. The scope of the Advisory Board's work has been further enlarged by immigration and emigration issues, the special requirements stemming from Finland's membership in the European Union and the role of refugee and migration policy in the cooperation between Finland and neighbouring countries.

41. The Advisory Board for Refugee and Migrant Affairs is composed of divisions and working parties. In addition to the labour division, they include: the division for social and employment affairs; the working party on immigrants' rights; the multicultural division; the training division; the division for expatriate Finns; the research division; and the working party on immigrant women.

42. Since 1994 the Advisory Board has been carrying out an action programme called "Towards a Tolerant Finland" in close cooperation with the Council of Europe's Action Programme against Racism, Xenophobia, Anti-Semitism and Intolerance. (For more details, see Article 7, Information.) In 1995, the Nordic Council of Ministers contributed to the Council of Europe's youth campaign with its own Nordic tolerance campaign.

Advisory Board for Sami Affairs

43. The Advisory Board for Sami Affairs was set up under the Ministry of Justice in 1960 by decision of the Council of State. After the Advisory Board had been subordinate in turn to the Prime Minister's Office (1973-1987) and the Ministry of the Interior (1988-1995), responsibility reverted to the Ministry of Justice in the beginning of 1996. The duty of the Advisory Board is to coordinate and prepare matters relating to the Sami population. It is chaired by the Governor of the Province of Lapland, and 6 of its 12 members represent the Sami Thing and 6 the different ministries. The Council of State appoints the Advisory Board for a term of four years at a time.

44. The Advisory Board for Sami Affairs is responsible for:

(a) Preparing and proposing to the Council of State measures in line with the recommendations of the Nordic Council of Ministers concerning the Sami, and planning collaboration on Sami-related issues;

(b) Monitoring the legal, economic, social and cultural status and the employment situation of the Sami as well as the realization of regional policy objectives in the Sami homeland, and making proposals to the relevant ministries concerning these matters; and

(c) Issuing statements to the Council of State, the ministries and the provincial government of Lapland concerning Sami-related issues.

45. In 1990 the Advisory Board for Sami Affairs published a report containing a proposal for a Sami Act (Committee Report 1990:32). According to the proposal, the act would have laid down both provisions on the organization of the Sami administration and provisions on restoring the Sami's rights to land, water and livelihood in the Sami homeland. The provisions on administration were adopted in the beginning of 1996 (the Sami Cultural Autonomy).

Advisory Board for Romani Affairs

46. The Advisory Board for Gypsy Affairs has operated subordinate to the Ministry of Social Affairs and Health since 1956. In 1989 it was granted permanent status and its name changed to Advisory Board for Romani Affairs. The Council of State appoints for a term of three years nine members on the recommendation of Romani associations, eight members on that of the different ministries and one member from the Association of Finnish Local Authorities. The Advisory Board strives to promote the Romani population's equal opportunities in society, enhance their participation in society and improve their economic, social and cultural conditions. The Advisory Board is composed of three divisions during the 1996-1998 term: the labour division, the division for international affairs and the division for social affairs and health.

47. The renomination of the Secretary-General of the Advisory Board raised public debate in spring 1996 because the Secretary-General is not of Romani origin. The previous Secretary-General was renominated since he was the most competent candidate.

48. In 1996, four regional advisory boards were founded to promote the Romani population's livelihood opportunities in different parts of Finland.

Commission against Racism, Xenophobia, Anti-Semitism and Intolerance

49. The Commission against Racism, Xenophobia, Anti-Semitism and Intolerance was appointed by the Council of State in 1994 and again in February 1997. This Commission is responsible for promoting tolerant attitudes by spotlighting manifestations of racism and supporting positive action. During its first term, the Commission has issued statements on various issues and acquainted itself with anti-racist activities at grass-roots level. It collaborates with the European Union and the Council of Europe in their fight against racism. The Commission is subordinate to the Ministry for Foreign Affairs.

50. When the Commission was reappointed in February 1997, it was supplemented by members representing Finland's "old minorities" and immigrants. Ms. Kaarina Suonio, Managing Director of the Tampere House, continues in her post as Chairman of the Commission.

Commission for Migration and Refugee Policy

51. On 16 October 1995, the Ministry of the Interior appointed the Commission for Migration and Refugee Policy, on which sit the representatives of several political parties and of administrative branches responsible for affairs relating to foreigners and immigration. The Commission submitted its report on 9 January 1997. Its assignments include defining Finland's immigration and refugee policy, evaluating and issuing statements concerning Finland's possibility of influencing immigration and refugee matters, assessing the need to revise Finland's immigration policy and legislation related to foreigners, preparing the reception of immigrants and easing their integration into Finnish society.

F. The Decision-in-Principle by the Council of State for the Government Programme on Immigration and Refugee Policy

52. The Council of State adopted a Decision-in-Principle for the Government Programme on Immigration and Refugee Policy on 16 October 1997, on the basis of the report of the Commission for Migration and Refugee Policy given on 9 January 1997. The Programme aims at creating overall guidelines for immigration and refugee policy. The measures to be prepared and implemented by the Government include the following.

53. The participation of the Government of Finland in international cooperation should be intensified, for example by means of development aid and foreign policy. The number of quota refugees will be increased progressively up to 1,000 persons/year.

54. The appeal procedure applied at present to immigration and refugee policy will be revised and the right of appeal will be extended, in order to improve the legal protection of immigrants and asylum seekers and to make the consideration of different applications more efficient. In addition, attempts will be made to reduce the time used for the consideration of applications for family reunification. The immigration of persons with professional skills will be favoured. The consideration of asylum applications will be made more efficient and the legal protection of applicants will be improved. The present practice of listing safe countries of origin will be abandoned.

55. The integration into society and the ethnic equality of immigrants will be enhanced by extensive long-term measures such as adult education, supporting access to work as well as supporting the use of the immigrants' own language and culture. Tolerance and human rights will be discussed in the basic and further education of different professional groups. The competence of the Ombudsman for Aliens will be extended to cover ethnic discrimination. The Ministry of Labour will establish, in cooperation with other competent

ministries, a monitoring system for cases of discrimination and violence directed against ethnic groups. Also, the need for amendments to legislation will be examined in order to comply fully with the International Convention on the Elimination of All Forms of Racial Discrimination.

G. Population statistics

56. Official population statistics are compiled by Statistics Finland. In the end of 1996, Finland had a population of 5,132,320; the share of men and women was 2,500,596 and 2,631,724, respectively. The official population statistics do not contain information on minorities.

The Swedish-speaking population

57. Finland's official languages are Finnish and Swedish (Constitution Act, sect. 14). Courts of justice and State and municipal authorities serve the population in either language.

58. A Finnish municipality is considered bilingual if at least 8 per cent of the population or 3,000 people speak the other official language. In 1996, Swedish was the mother tongue of 5.8 per cent of the population. The Swedish-speaking population is concentrated along the coasts and in the archipelago.

59. The Province of Åland is entirely Swedish-speaking. While the official language is Swedish, Finnish may be used in courts of justice and before other authorities. Åland was granted autonomous status in 1921 in connection with the settlement of the sovereignty issue within the League of Nations; the aim was to permit the people of Åland to preserve their Swedish-language culture and other local traditions. Since 1951 the inhabitants of Åland have had the right to regional citizenship, the prerequisite being that a person has resided continuously in the Åland Islands for at least five years. Of the 25,000 inhabitants living on the Åland Islands, 24,000 are Finnish citizens. In addition there are 660 Swedish citizens living in the area.

The Sami people

60. The Sami are an indigenous people who constitute a minority in Finland, Sweden, Norway and the Russian Federation. Of the Finnish Sami, 3,900 live in the municipalities of Inari, Utsjoki and Enontekiö and in the northern part of the municipality of Sodankylä. This area forms the Sami homeland in Finland.

61. Every fourth year, for the purpose of preparing the electoral register for the election to the Sami Thing (formerly the Sami Parliament), the number of Sami is calculated using the statistics of the Population Register Centre. According to the data obtained in connection with the previous election in 1995, the Sami totalled about 7,000.

62. The data provided by the Sami Thing shows that in 1995 some 2,300 persons had learned Sami as a first language. According to the official population data system, however, the number of persons who spoke Sami as a mother tongue is much lower.

63. Three different Sami languages are spoken in Finland, i.e., Northern Sami, Inari Sami and Skolt Sami. The right to use the Sami language is laid down in the Constitution Act (sect. 14 (3)). The Act on the Right to Use the Sami Language Before the Authorities (516/1991) guarantees the Sami the right to use their own language when dealing with the authorities.

The Roma

64. The Roma have lived in Finland since the sixteenth century. Today Finland's estimated 10,000 Roma are spread throughout the country. There are no specific villages or areas populated by Roma, although they all have a permanent domicile. All Roma know either Finnish or Swedish, and some have also mastered the Romani language. About 3,000 Roma have moved from Finland to Sweden. In recent years, an unregistered number of Roma have arrived in Finland as refugees, especially from the former Yugoslavia.

Jews and Tatars

65. Finland has traditionally had a small minority of Jews and Tatars. Jews started arriving in the Kingdom of Sweden, of which Finland was a part, in the eighteenth century. At present there are altogether about 30,000 Jews in the Nordic countries. Finland's Jewish community has about 1,400 members. The first Tatars, who originate from the southern banks of the Volga, immigrated to Finland in the nineteenth century. Today the Finnish Tatar population numbers about 900. Tatars use their own language within their community.

The Russian-speaking population

66. The first Russian settlements in Finland were founded in the eighteenth century. The number of so-called Old Russians in Finland is estimated at about 5,000. They are dispersed throughout the country. In addition, Finland is home to about 9,700 Russian citizens and 6,100 citizens of the former Soviet Union. All those who immigrated to Finland prior to the collapse of the Soviet Union are registered as former citizens of the Soviet Union. They include, for example, Estonians. There are about 20,000 people in Finland who speak Russian as their mother tongue, which makes them Finland's second largest linguistic minority after the Swedish-speaking Finns.

Finnish repatriates

67. About 1.2 million Finns live outside Finland. Taking into account the population of Finland, emigration from Finland has been significant. Since the beginning of the 1970s, the tide has been reversed and Finnish expatriates in particular are returning to Finland. These include Finnish repatriates from Sweden and, in the 1990s, persons of Finnish ethnic origin arriving from Russia and Estonia (Ingrians). Altogether, 150,000 people moved to Finland between 1980 and 1994, among them about 100,000 Finnish citizens. Most of the foreign citizens in this group are persons of Finnish ethnic origin. In 1995, the majority of immigrants were Finnish nationals, followed by Russians, Estonians and Swedes, most of whom can be considered repatriates owing to their Finnish origin.

68. The descendants of the Finns who, in the seventeenth, eighteenth and nineteenth centuries, moved to Ingria and St. Petersburg are often called Ingrian Finns. They number 80,000-100,000. So far about 15,000 persons of Finnish descent have arrived in Finland from the Russian Federation and Estonia. They have settled in different parts of the country, although about half live in the capital area.

Foreigners

69. According to the statistics for January 1997, 74,183 persons - 38,213 men and 35,970 women - live permanently in Finland without being Finnish citizens. They compose about 1.4 per cent of the population. While the share of immigrants has risen in the past few years, it is still much lower than in other Western European countries. In 1980, foreigners accounted for as little as 0.3 per cent of the population.

Table 1. Finland's population by nationality and gender at the end of 1995

Nationality	Total	Men	Women
Europe	45 044	22 062	22 982
Asia	11 302	6 232	5 070
Africa	6 970	4 588	2 382
America	3 072	1 658	1 414
Oceania	397	241	156
Stateless	1 064	573	491
Citizenship unknown	717	425	292

Source: Statistics Finland.

70. The largest groups of foreigners are constituted by Russians (9,720), Estonians (8,446), Swedes (7,014), citizens of the former Soviet Union (6,163), Somalis (4,044), citizens of the former Yugoslavia (2,407) and Vietnamese (2,084).

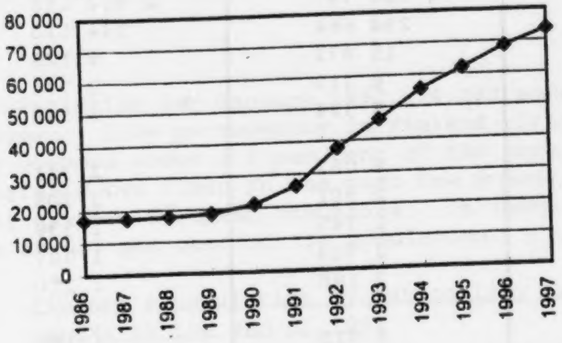
71. Finnish origin is a common denominator among many immigrants. Between 1990 and 1995, altogether 22,254 Finns (3,000-4,000 annually) returned to Finland from Sweden and 14,060 repatriates (over 2,000 annually) from the Russian Federation and Estonia.

Table 2. Finland's population by mother tongue and gender

Mother tongue (n > 400)	Total	Men	Women
Finnish	4 754 787	2 312 163	2 442 624
Swedish	294 664	144 110	150 554
Russian	15 872	6 123	9 749
Estonian	8 710	3 774	4 936
English	5 324	3 345	1 979
Somali	4 057	2 331	1 726
Arabic	2 901	2 305	596
Vietnamese	2 785	1 398	1 387
German	2 719	1 707	1 012
Chinese	2 180	1 210	970
Albanian	2 019	1 181	838
Turkish	1 809	1 293	516
Sami	1 726	910	816
Spanish	1 394	825	569
Kurdish	1 381	811	570
Serbo-Croatian	1 230	667	563
Polish	1 129	528	601
French	1 062	720	342
Thai	813	110	703
Persian	803	511	292
Hungarian	732	390	342
Italian	574	454	120
Norwegian	436	217	219
Dutch	408	319	89
Bulgarian	400	228	172
Other	6 911	4 071	2 840
Total	5 116 826	2 491 701	2 625 125

Source: Statistics Finland.

Table 3. Development in the number of foreigners living in Finland between 1986 and 1997, according to the situation of 1 January of each year



72. Over 13,000 of the foreigners living in Finland are refugees; they have arrived principally from Somalia and the former Yugoslavia.

73. Besides repatriates and refugees, another important immigrant group is composed of foreigners who have married a Finn. In spring 1996 they numbered about 12,000. About 2,000 marriages are concluded a year between a Finn and a foreigner.

74. Relatively few foreigners have moved to Finland to earn a living. Illegal immigration is not a problem.

II. IMPLEMENTATION OF ARTICLE 2

A. The Sami people

International conventions

75. As noted in paragraph 18 above, Finland has not yet ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries since national legislation does not correspond to the provisions of the Convention, mainly as regards the land rights of the Sami people. Since spring 1993 the Sami Parliament has been responsible for studying the land rights issue. In spring 1995 the Finnish Parliament required that the Government prepare as soon as possible a report on how the obstacles to the ratification of the ILO Convention could be removed and with what practical consequences. In spring 1996 the Ministry of Labour and the Ministry of Justice, after consultation with the Sami Parliament, submitted their report on the issue to the Parliamentary Committee for Constitutional Law. The report noted that obstacles still exist and that the ministries consider it necessary to wait for the completion of the study being carried out by the Sami Thing (formerly the Sami Parliament). The Parliamentary Committee for Constitutional Law has not yet dealt with the matter.

76. As "permanent participants" at the Arctic Council founded on 19 September 1996 in Ottawa, Canada, the Sami people hold an exceptionally strong position in that Council beside the member States.

National measures

77. At the national level, several legislative and administrative amendments have been made to the status of the Sami as an indigenous people and a national, ethnic and linguistic minority. At the beginning of 1995 responsibility for the coordination of Sami affairs was passed from the Ministry of the Interior to the Ministry of Justice. The legal position of the representative body elected by the Sami has been strengthened.

78. According to section 14 (3) included in the Constitution Act in connection with the fundamental rights reform, "the Sami as an indigenous people, as well as the Romanies and other groups, have the right to maintain and develop their own languages and cultures". In addition, the Constitution Act ensures that "the right of the Sami to use the Sami language before the public authorities shall be prescribed by Act of Parliament".

79. Another constitutional amendment concerning the Sami was adopted by Parliament in June 1995 which entered into force in the beginning of 1996. The new section 51 (a) (973/1995) of the Constitution Act guarantees that the Sami as an indigenous people have cultural autonomy in respect of their language and culture within the Sami homeland. The Act on the Sami Thing (974/1995) issued in the same connection gives the 1973 Decree on the Sami Parliament - the then representative body of the Sami - a new, higher status as an Act of Parliament. The Sami Parliament was renamed the Sami Thing, by which designation the corresponding body was already known in Norway and Sweden. The Sami Thing looks after the Sami's language and culture and matters related to their status as an indigenous people by making proposals and issuing statements. It also decides on the allocation of the funds designated for the common use of the Sami. Authorities must negotiate with the Sami Thing in all matters affecting the status of the Sami.

80. While the above-mentioned Acts were being debated in Parliament, a movement of a group of citizens, which later was organized into an association, arose in the Sami homeland to oppose Sami cultural autonomy. The movement has gathered momentum mainly in the municipality of Enontekiö. Among other things, the protesters organized a demonstration against the Acts in front of the Parliament building in Helsinki. The association also published a magazine containing critical articles on the proposed Acts and had 10,000 copies distributed, for example to the members of Parliament and at the Helsinki railway station. Once the Act on the Sami Thing entered into force, the association, the by-rules of which state that it is "open to all who feel concerned by the matter", announced to several decision makers that it represented the Sami and started sending to the Ministry of Justice the applications of "Lapps" under the new, broader definition of a Sami to be enrolled en masse in the electoral register of the Sami Thing. Compiling electoral registers is the duty neither of the Minister of Justice nor of the Ministry of Justice, but is performed by an election committee set up by the Sami Thing prior to elections.

81. The definition of a Sami contained in the Act on the Sami Thing was extended during parliamentary consideration of the Act. In 1994 it was proposed in the Government Bill that the definition be made broader, which might have slightly increased the number of people identified as Sami. According to the proposal the common Nordic definition based on self-identification, on the one hand, and knowledge of the Sami language, on the other, would have been extended to encompass also the descendants of Lapps whose grandparents no longer could speak Sami, on condition that one of their parents or ancestors had been entered in the land, taxation or population register as a mountain, forest or fishing Lapp. Lapp registers that dated back further than 1875 would not be taken into account, however. This would have been stipulated by decree. The proposal stated that "going still further back in time might make it unreasonably difficult to provide evidence, and the applicant's true connection to the Sami people might be contested". While Parliament considered that the proposed Act did not confer the power to stipulate on the matter by decree, it did not find it necessary to supplement the Act in this respect.

82. The extended definition of a Sami has proved to be problematic and has created tension among population groups in northern Finland. The above-mentioned association opposed to the cultural autonomy of the Sami people, as well as the municipalities of Enontekiö and Inari, are in favour of preserving the definition, while the Sami Thing, the Sami Council, the Advisory Board for Sami Affairs, the provincial government of Lapland and, in a joint statement, 116 representatives of the scientific community (academics, professors, assistant professors, university lecturers, etc.), among others, demand that the definition be restricted. According to them, the term Sami should only be used of a person who knows the Sami language or who meets the requirements in the Government Bill.

83. According to the Sami Thing, the extended definition of a Sami would encompass "persons who, in the light of general experience, nowadays belong to the mainstream population rather than to the Sami minority". The statement issued by the Sami Thing voices the concern that "the extended definition of a Sami may lead to a practice indistinguishable from the forced integration of the Sami into the mainstream population ipso jure".

84. Following a report mandated by the Ministry of Justice, the Ministry decided in January 1997 to take measures to relink the Sami identity with knowledge of the Sami language. The intention is to submit a Government Bill on the matter to Parliament during 1997.

85. As stated in the previous report, a provision (sect. 52 (a)) was added in 1991 to the Parliament Act whereby the Sami have the right to be heard in Parliament especially on matters of special concern to them. At the time the ministries and other authorities were not bound by any corresponding provision, although in its report in 1990 the Parliamentary Committee for Constitutional Law had emphasized that the Sami were to be granted a say in the preparation of matters concerning them, as "with respect to influencing decision-making, participation at this stage is generally speaking more important than the opportunity to be heard at the last stage of the legislative process when a matter is being considered in Parliament". In 1995

the Act on the Sami Thing was supplemented by a provision (sect. 9) applicable to all authorities. It stipulates that the authorities shall negotiate with the Sami Thing "in all far-reaching and important measures which may directly and in a specific way affect the status of the Sami as an indigenous people" and which, in the Sami homeland, concern the matters listed in the Act.

86. When Parliament decided to leave the Act on the Sami Thing in abeyance until after the next election in February 1995, it required that the Government prepare a report on how to increase the powers of the Sami Thing. The Ministry of Justice completed its report in spring 1997. In it, a special role is given to the plan drafted by the Sami Thing on objectives and their implementation. The report proposes the following measures to augment the influence of the Sami Thing: (a) the Parliamentary Committee for Constitutional Law should issue a statement on how the bills it considers affect the Sami's cultural autonomy; (b) the ministries and officials should be reminded of their obligations ensuing from the Act on the Sami Thing; (c) the Sami should be reserved the opportunity to be heard at the Ministerial Committee for European Union matters in matters concerning them in particular; and (d) the Sami Thing should start reporting directly to Parliament on any marked developments in Sami affairs.

Concluding observations of the Committee on the Elimination of Racial Discrimination concerning the status of the Sami

87. While considering the eleventh and twelfth periodic reports of Finland in March 1996, the Committee on the Elimination of Racial Discrimination expressed concern about the implementation of certain rights of the Sami people, as referred to in paragraphs 11, 12, 23 and 24 of the concluding observations. The Committee was concerned that mining and other economic interests might be threatening the way of life of the Sami, which is closely related to their land rights. The Sami themselves have been worried about the interest that foreign and multinational companies have shown in the bedrock of the Sami homeland since the conclusion of the Treaty on the European Economic Area. On 15 May 1996 the Supreme Administrative Court issued a decision (T 1447) whereby it annulled the decisions of the Ministry of Trade and Industry on 12 claims to work a mine. The reason was that prior to making these decisions the Ministry had not studied the eventual effects of the claims on the reindeer husbandry engaged in by the Sami population. The Ministry was requested to reconsider these issues.

88. The Human Rights Committee adopted its Views on 30 December 1996 on the communication concerning logging in an area used for Sami reindeer herding. This logging was not considered to violate the authors' right to enjoy their own culture. See more detailed description of the case under article 6, International supervisory organs. As regards the Committee's recommendation that the Finnish Government draft and implement a clear policy on Sami land rights and ratify ILO Convention No. 169, reference is made to the above.

The Sami language

89. The Committee's concern (para. 12 of the concluding observations) expressed over the Sami people not being able to participate in the Sami Thing in their mother tongue appears to be based on a misunderstanding and is

therefore unfounded. The Act on the Right to Use the Sami Language Before the Authorities (516/1991) specifically guarantees the right to use the Sami language also at the Sami Thing (sect. 3). Sessions are mainly conducted and minutes are drawn up in Northern Sami. In June 1996 the Sami Thing accepted also Inari Sami and Skolt Sami as its official languages in addition to Northern Sami and Finnish, although all four languages had been already used. The implementation of this decision has been postponed until the Government grants funds for establishing the three new interpreter-translator's posts prescribed in the decision. The Sami Thing has included an appropriation for these posts in its budget for 1997, which has been approved by the Ministry of Justice. In its own budget for 1997, the Ministry of Justice has raised the sum allocated to the Sami Thing for its upkeep by about 20 per cent (c. Fmk 500,000). The Sami Thing decides on the use of the budgetary allocation.

90. Instruction in the Sami language is dealt with in article 5, the right to education.

B. The Roma

91. As has already been mentioned, Finland ratified the European Charter for Regional or Minority Languages on 9 November 1994. On this occasion Finland announced that it would apply the general provisions in Part II of the Charter to the Romani language.

92. The Romani population has no administrative institutions of its own. The Roma are represented principally by the Advisory Board for Romani Affairs subordinate to the Ministry of Social Affairs and Health and by Romani associations and activists. The Advisory Board advances the Romani cause in Parliament and before authorities through statements and proposals. The Romani Educational and Cultural Development Unit subordinate to the National Board of Education is responsible especially for promoting educational and cultural matters.

93. While the different political parties have nominated some Roma candidates, none has been elected to Parliament and - according to the latest information - none has been elected to municipal councils.

94. The Steering Committee on Migration (CDMG) of the Council of Europe has set up the Specialist Group on Roma/Gypsies, which includes a permanent member from Finland. Another expert from Finland - chosen from the Romani population - participates in the activities of the Group. At present the Specialist Group on Roma/Gypsies is preparing a proposal for improving the status of Europe's Romani population.

95. In Finland the improvement of written Romani language started in the early 1970s, and the first textbook was published in 1982. Today a Romani pupil can study the Romani language as a mother tongue at primary and secondary levels. In 1996 the Research Institute for the Languages of Finland became responsible also for the research and preservation of the purity of the Romani language. A Romani language board was set up for this purpose on 1 June 1997.

96. In 1995 the Finnish Broadcasting Corporation started sending nationwide a 10-minute programme called *Romani Mirits* - Romani Pearls. It features news presented in the Romani language, a short interview and music. While there exist no Romani-language publications, articles written in Roma appear in special magazines for the Romani population.

C. Immigration and refugee policy

Refugees and asylum seekers

97. Within the meaning of the Aliens' Act, a refugee is a foreigner who has been admitted to Finland as a quota refugee or has been granted asylum in Finland, or is a close relative of such a person, or has arrived in Finland on the grounds of family reunification. Since 1986 Finland's refugee quota has been 500. An additional quota of 500 refugees from the former Yugoslavia was approved in 1995 and 1996. The quota for 1995 and 1996 included refugees from Jordan, Iraq, Turkey and Saudi Arabia as well as Kurds from Estonia. According to the procedure for granting asylum laid down in the Aliens' Act (378/1991), asylum may be granted to a person who corresponds to the definition of "refugee" prescribed in the 1951 Convention relating to the Status of Refugees. In practice, most asylum seekers are granted a residence permit instead of refugee status or asylum if it is considered that the asylum seeker is in need of protection or on weighty humanitarian grounds. The majority of asylum seekers in Finland have received a residence permit on weighty humanitarian grounds.

98. In Europe, mainly as a result of the conflict in the former Yugoslavia, it has been proposed that individual asylum seekers be granted so-called temporary protection instead of asylum. On the grounds of the Act on the Emergency Procedure for Handling the Applications for Asylum of Certain Citizens of the Former Yugoslavia (14/1993) that entered into force in 1993, Finland has so far granted temporary protection on a case-by-basis to wounded persons evacuated from the former Yugoslavia. A couple of thousand asylum seekers have benefited from this Act. The persons within the scope of the Act were granted residence permits of a permanent nature on weighty humanitarian grounds.

99. The number of persons seeking asylum in Finland has decreased since 1992. In 1990, there were 2,743 asylum seekers, against 854 in 1995 and 711 in 1996. The police or border guards examine the grounds for an application for an asylum. This procedure involves an interview of the asylum seeker, which plays an important role in making the final decision.

100. Asylum, the beneficiaries of which are considered refugees, is granted to a minute percentage of all asylum seekers. In 1996 asylum was granted to 11 and in 1995 to 5 asylum seekers. On the other hand, 345 asylum seekers received residence permits. Another 244 asylum seekers were granted neither asylum nor a residence permit. Applications are processed by the Directorate of Immigration. On average, it has taken over eight months to handle each application.

101. While their application for asylum and related issues are being processed, the State provides asylum seekers as necessary with accommodation and living allowance of the same level as for permanent residents in Finland. Asylum seekers are not entitled, however, to residence-based social security. A refugee and a person who has been granted asylum have the same right to social security as permanent residents.

102. In its report submitted on 9 January 1997, the Commission for Migration and Refugee Policy proposed several amendments to Finland's current policy of granting asylum. In accordance with the proposed amendments, the Council of State decided in its Decision-in-Principle for the Government Programme on Immigration and Refugee Policy adopted on 16 October 1997 that a provision should be added to the Aliens' Act, authorizing the Council of State to grant temporary protection for entire groups at a time and to decide on the nature and length of such protection. The consideration of individual applications will be made more efficient and the legal protection of applicants will be improved. The entire process, including eventual appeals, should not as a rule last longer than 18 months. The interviews of asylum seekers, which at present are handled by the local police, will be taken over by the Directorate of Immigration. An asylum seeker should always be accompanied by counsel during the interview.

Reuniting families

103. In family reunification a person living in another country is authorized by Finnish authorities to join his/her family member in Finland. Family members refer to the nuclear family, in other words to the spouse or common-law spouse and to unmarried children under 18.

104. In 1996, foreigners in Finland applied for a residence permit for altogether 796 family members living abroad. Somalis were the largest group of applicants for family reunification (535, including 323 minors). In the same year the Directorate of Immigration issued decisions on 739 applicants. Of the 226 favourable decisions, over half concerned minors (136). Altogether 306 of the 513 negative decisions concerned minors. The difficulty when processing residence permit applications in cases of family reunification is that the legislation is not sufficiently specific; besides, it is often very hard for applicants to prove that they are family members. The family reunification instructions issued by the Ministry of the Interior only apply to refugees and persons with a similar status. Owing to the general nature of the instructions, they do not provide sufficiently clear guidelines for dealing with problems encountered in practice. Under the present legislation, applicants are not entitled to appeal against decisions. Recently DNA tests have been introduced to help determine the degree of consanguinity of family members seeking reunification.

105. On 31 December 1996, the Parliamentary Ombudsman issued a decision concerning the extraordinary appeal in the matter of foreigners' legal protection, stating that it would be advisable to supplement the Aliens' Act, for example by provisions on essential matters of procedure and burden of proof in family reunification. For its part, the Commission for Migration and Refugee Policy has proposed that more detailed provisions be laid down on

refugees' and other foreigners' possibility of applying for family reunification. Furthermore, applicants should always have the right to appeal decisions on residence permits in cases of family reunification. More attention should also be paid to a minor child's interests when deciding on family reunification.

106. The Council of State suggested in the Decision-in-Principle for the Government Programme on Immigration and Refugee Policy that clear criteria for granting residence permits relating to family reunification be added to the Aliens' Act. A decision on residence permits relating to family reunification will always be subject to appeal. In addition, the aim is to reduce the time used for the consideration of applications, the objective being three months, and even shorter in respect of minor children.

Appeal

107. The Aliens' Act states that in matters concerning asylum, a residence permit issued to an asylum seeker for reasons of protection and abrogation of refugee status, the body for appeals is the Asylum Appeals Board. The Asylum Appeals Board is an independent administrative tribunal. Its decisions are final, and cannot be appealed.

108. The Commission for Migration and Refugee Policy has proposed certain changes to the appeals procedure. Accordingly, the Asylum Appeals Board would be abolished and its duties taken over by an administrative court. Appeals against decisions under the Aliens' Act would be directed to the County Administrative Court of Southern Finland. Furthermore, the Aliens' Act would be amended by introducing a general right to appeal against any decision of the Directorate of Immigration concerning an individual. Legal residents in Finland whose application for a work permit has been rejected would likewise have a right to appeal. Decisions of the County Administrative Court could be appealed to the Supreme Administrative Court provided leave to appeal is granted. The Aliens' Act would be supplemented by provisions concerning the grounds for leave to appeal to the Supreme Administrative Court and on the suspensive effect of implementation of the leave to appeal. The right to free legal proceedings would be expanded so as to provide applicants with the possibility of legal aid paid from public funds also in administrative proceedings.

109. The Council of State has decided to abolish the Asylum Appeals Board and transfer its duties to the County Administrative Court of Southern Finland. The Decision-in-Principle for the Government Programme on Immigration and Refugee Policy also suggests that the right of appeal be extended progressively so that all decisions pertaining to an individual and belonging to the competence of the Directorate of Immigration would be subject to appeal. In addition to the present practice the right of appeal would cover decisions on foreigner's passports, refugee travel documents and residence permits, also when they relate to family reunification. It is also suggested that the Aliens' Act be amended by provisions concerning the grounds for appeal to the Supreme Administrative Court and on the suspensive effect of the leave to appeal on the enforcement of a decision.

110. A Government Bill will be given to the Parliament during autumn 1997, according to which the present systems of cost-free trial and general legal counselling would be merged into one system of legal counselling. The Bill presents the grounds on which applicants would be entitled to public legal counselling, especially in respect of cases relating to asylum or family reunification.

Refusal of entry and deportation

111. Under section 39 (1) of the Aliens' Act, decisions on refusal of entry are made by passport control authorities. The decision to refuse entry to a person who has applied for a residence permit or asylum in Finland is, however, made by the Directorate of Immigration. In 1995, passport control officers refused entry to 1,689 foreigners and the Directorate of Immigration to 214 foreigners. By the end of September 1996, the figures were 2,132 and 187, respectively. The most common reason for refusing entry is that the foreigner does not hold the visa required for entry or he/she lacks sufficient funds, or it may justifiably be assumed that the foreigner will support himself/herself through dishonest means or will commit an offence for which the statutory punishment is more than one year of imprisonment.

112. Decisions on deportation from Finland are always made by the Directorate of Immigration on the recommendation of the police. A prohibition to enter Finland may be issued in the same context. Usually deportation comes into question when a foreigner's residence permit is not renewed and/or he/she has committed an offence in Finland.

113. In 1994 altogether 163 foreigners were deported from Finland. The number of decisions on deportation in 1996 totalled 198, with 106 involving asylum seekers. Decisions were made to deport a total of 116 persons. The principal ground for deportation was that the foreigner stayed in Finland without the necessary visa or residence permit.

114. In the course of 1995 the Supreme Administrative Court received 45 appeals against refusal of entry and 87 against deportation.

115. There have been certain difficulties in implementing decisions on refusal of entry and deportation. For example, it is not possible to expel a foreigner who has renounced his/her nationality of origin and will not be taken back by the State in question. Nor can a foreigner be returned to his/her country of origin if his/her identity is unknown. The Aliens' Act contains a provision corresponding to that in article 33 of the Convention relating to the Status of Refugees, whereby no one may be returned, expelled or deported to an area where he/she may be subjected to persecution or inhuman treatment, nor to a safe area from which he/she may be further sent to such an area.

116. The Commission for Migration and Refugee Policy has proposed that the police compile national statistics on the implementation of deportations and refusals of entry. It has further suggested that a foreigner residing legally in Finland would have an unlimited right to appeal to the Supreme Administrative Court against decisions on deportation, and that when appealing

to the Supreme Administrative Court against a decision on refusal of entry, the application for leave of appeal would suspend implementation of the decision. In a decision issued on 31 December 1996, the Parliamentary Ombudsman proposed that the Aliens' Act be amended so that an appeal lodged within the time fixed would have a suspensive effect on the enforceability of a decision on refusal of entry, at least until the Supreme Administrative Court has been able to decide on the admissibility of the implementation.

117. The Council of State suggested in the Decision-in-Principle for the Government Programme on Immigration and Refugee Policy that, when the right to appeal is extended, the relationship between the immediate enforcement of a decision on deportation relating to a negative decision on a residence permit will be examined taking into account the legal protection of an individual, human rights, international conventions and other obligations. A negative decision on a residence permit and a decision on deportation will be given at the same time. This should reduce the number of successive time-consuming stages of procedure.

Safe countries

118. Since amendment of the Aliens' Act in 1993, it has been possible to process rapidly applications for asylum that are manifestly unfounded. An application is considered manifestly unfounded if the applicant's country of origin can be deemed safe or if he/she comes from another Nordic country or another safe country where he/she could have applied for asylum before arriving to Finland. Finnish authorities have a list of so-called safe countries, drawn up on the basis of the statement of the Council of State and based on the *travaux préparatoires* of the Act. The present Act lays down no actual criteria for selecting safe countries. The list includes member States of the European Union which have acceded to the Convention relating to the Status of Refugees, regardless of geographical position. Other countries have been added to the list by decision of the Council of State. The list has been applied to asylum seekers arriving both from safe countries of origin and safe countries of asylum.

119. According to a statement issued in 1994 by the Council of State, the Baltic countries and the Russian Federation are considered safe countries for their own citizens. The statement noted, however, that the application of each foreigner even from a safe country must be handled case-by-case in the future too. The statement did not concern citizens of so-called third countries.

120. The Commission for Migration and Refugee Policy has proposed that safe countries of origin be excluded from the list, which should only contain safe countries of asylum. Any decision concerning the list of safe countries and eventual revisions thereto should be made by decree. A list of safe countries of origin might be used in exceptional situations to help authorities make faster decisions. However, two separate lists should be kept - one of safe countries of asylum and one of safe countries of origin. The list of safe countries of origin should not be used as unconditional grounds for refusing asylum; instead, the asylum seeker must always be given adequate opportunity to present counter-evidence.

121. In a decision of 31 December 1996, the Parliamentary Ombudsman deemed that in the future safe countries should be defined as so-called safe countries of asylum, as this concept is understood within the European Union.

122. In the Decision-in-Principle for the Government Programme on Immigration and Refugee Policy the Council of State has decided to abandon the listing of safe countries of origin and to include only safe countries of asylum in the lists of safe countries. The list of safe countries of asylum to be established would include only countries which meet certain criteria. The list and its revision will be decided on by decree. The list will be revised at least once a year. When the list is applied, chain deportations must be avoided.

Illegal residence

123. Under the Aliens' Act, section 63, a foreigner who stays in Finland without the required passport, visa or residence permit or engages in remunerated employment without the required work permit shall be fined for violation of the Aliens' Act. Foreigners staying in Finland without a residence permit are mainly persons who have remained in Finland after the expiry of their visa or residence permit. It is estimated that the number of illegal foreign workforce in the Finnish labour market is fairly low.

124. Foreigners staying in Finland without a residence permit do not use the services provided by society. However, foreigners who cannot be returned to their own country are entitled to necessary living allowance provided by the municipality.

The integration of immigrants

125. Immigrants' and refugees' reception and integration issues have been handled principally by the Ministry of Social Affairs and Health, the Ministry of Labour and the Ministry of Education. The immigrants have mainly the same services as other members of society, meaning that each administrative branch is responsible within its own sphere of authority also for the services provided to immigrants. Special services are arranged to ease the integration of immigrant children. The principle is to help immigrants preserve their own language and culture. Provincial governments have an essential role in organizing the reception of refugees and placing them in municipalities. Municipalities supply the actual services. Of Finland's 452 municipalities, 128 have concluded an agreement on the reception of refugees.

126. Immigrant women in particular have found that a good knowledge of Finnish is the key to integration. It enables studies, employment, a social life and other activities. Often there are many obstacles to an immigrant woman's learning a new language. It is rendered difficult by the woman's frequent pregnancies, large number of children, and her spouse's and community's negative view of a woman's interests outside the home. These problems often concern both women who are highly educated and had a career and illiterate women. Immigrant women in Finland have expressed the wish for courses and teaching to be tailored to their specific needs. Teaching should be planned so that it can be carried out near the woman's home, with attention

paid to child-care arrangements and the practical benefits of the teaching. Immigrant women are willing to study and practise to improve their own skills and learn more about Finnish working life.

127. The office of the Ministry of Social Affairs and Health that used to handle refugee affairs and the unit of the Ministry of Labour formerly responsible for migration affairs were joined in the beginning of March 1997 into a new Department of the Ministry of Labour. The new Department is responsible for issues related to the integration of immigrants and the promotion of good ethnic relations. This organizational change does not affect the duties of other ministries. For example, the Ministry of Education continues to be responsible for the educational issues related to immigrants, while controlling entry into the country and security issues belongs to the competence of the Ministry of the Interior.

128. According to the Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism, the prevention of racism and the promotion of tolerance shall be the mainstreaming principles of the work of the Ministry of Labour when coordinating the reception of immigrants and measures to promote their integration into society.

129. In its report, the Commission for Migration and Refugee Policy outlined a policy for promoting immigrants' integration into Finnish society. The Commission proposed that society take as its aim the comprehensive integration of all immigrant groups using supportive measures offered by society, such as training, guidance and counselling for adult immigrants, interpretation services, information, preservation of the immigrant's own language and culture and promotion of immigrants' participation in society. The Commission has presented a three-level policy for integration policy, where

(1) The objective of national integration policy would be to promote immigrants' participation in society as its equal members by providing immigrants with services in support of their integration, such as special immigrant training, measures to preserve their own language and culture and the necessary information services.

(2) The objective of the municipal immigrants' programme and integration plan is to determine which activities, services, resources and cooperation measures promote immigrants' integration into his/her municipality of residence.

(3) Society's measures in support of an immigrant's and his/her family's integration are defined in an immigrant- and family-specific plan. It lays down individually designed immigrant training, a study and employment plan and measures in support of integration to which the immigrant and the municipality of residence are both committed.

130. The Decision-in-Principle by the Council of State for the Government Programme on Immigration and Refugee Policy provides for the policy on the integration of immigrants which will be implemented in the form of the above-mentioned three-level policy. Attention will be paid to housing,

children and young persons and especially their mother tongue, adult education, employment, subsistence, social welfare and health-care services, protection of family life, participation in society, supporting the use of the immigrants' language and culture and translation and interpretation services.

D. Finnish repatriates from the Russian Federation and Estonia

131. In recent years, the most important group of immigrants arriving from the former Soviet Union to Finland have been the Ingrian repatriates of Finnish origin from the Russian Federation and Estonia. The Finns who moved from Finland to the Soviet Union following the political events of 1918 and their descendants as well as the Finns who moved from North America to the Soviet Union in the 1930s and their descendants are also considered Finnish repatriates from the Soviet Union.

132. The number of Finnish repatriates from the Russian Federation and Estonia is estimated at 15,000. During 1995, about 2,500 of these repatriates were granted a residence permit. Formal decisions in these matters are made by Finnish diplomatic or consular missions abroad. The Directorate of Immigration issues a statement on all the applications submitted by Finnish repatriates from the Russian Federation and Estonia and interviews some of the applicants prior to the final decision of the mission.

133. On 1 August 1996 the Aliens' Act was supplemented by a new section 18 (a) on the requirements for issuing residence permits to Finnish repatriates from the Russian Federation and Estonia. It states that a fixed-term residence permit may be granted to a person of Finnish descent arriving from the former Soviet Union if the applicant himself/herself, one of his/her parents or at least two of his/her grandparents are or were registered as Finns. A residence permit may also be granted if the applicant has some other tie to Finland or Finnish culture, but cannot prove with documents that he/she fulfils the above-mentioned requirements. A residence permit may also be granted to such person's spouse or child under the age of 18 entrusted into the said person's care. As a rule, an applicant must participate in immigration training in his/her country of origin - including instruction in the Finnish language and society - in order to qualify for a residence permit.

134. The first repatriates a few years ago arrived in municipalities without any prior notice. Nowadays, repatriates' immigration training and the reception process have been developed so that repatriation can take place in a controlled manner and in a secured environment.

135. By organizing information sessions and negotiations for the representatives of municipalities, the Ministry of Labour, the Ministry of Social Affairs and Health and the provincial governments have tried to find new municipalities of reception outside Helsinki and other locations where repatriates are concentrated. Half of all repatriates move to the capital area. The Ministry of Labour is responsible for providing counselling to repatriates on a waiting list in the area of origin and organizing three-month training courses in cooperation with the National Board of Education. The courses consist of the Finnish language and general information on Finland. During the courses, information is given also on conditions in the different municipalities of Finland and on training and employment opportunities. This

is to prevent prospective repatriates from making hasty decisions owing to lack of information. Finland has striven to lessen the pressure to return to Finland by financing projects for elderly people's collective buildings in the Russian Federation and Estonia.

136. When a repatriate arrives in Finland, the receiving municipality organizes housing, social and health services and immigration counselling as part of the common service system. With a few exceptions, repatriates residing in Finland are entitled to the same income transfers and social services as Finnish citizens in the same position. They do not receive any special benefits as repatriates.

E. Promoting immigrants' participation opportunities

137. The Multicultural Division of the Advisory Board for Refugee and Migrant Affairs subordinate to the Ministry of Labour assembles under its roof both "old minorities" and recent immigrants. The Roma, Jews, Tatars, Russians, Somalis, Kurds, Albanians and Bosnians are some of the minorities represented in the Division. They also include the Finnish Support Group of the European Union Migrants' Forum, and the Swedish Assembly of Finland representing Swedish-speaking Finns. The Division considers it crucial that a constant dialogue be maintained between different groups.

138. The Division deals with issues concerning the status of ethnic and linguistic minorities in Finland. It pays special attention to promoting tolerant attitudes and increasing the Finns' knowledge about the different cultures of these groups. The Multicultural Division plans to make proposals to the Advisory Board on ways in which immigrant groups and minorities could preserve their traditional culture and language while at the same time integrating into the Finnish society. An example of such a measure is the proposal for an immigrant organizations' support system that will be taken into account when preparing the 1997 budget within the administrative branch of the Ministry of Education.

139. The Working Party on Immigrant Women of the Advisory Board for Refugee and Migrant Affairs - on which also sit immigrant women - has looked into these women's situation in Finland. In April 1997 it issued a proposal for further action. This is the first time that such a survey has been made. In its proposal, the Working Party drew attention to immigrant women's status in working life, culture and training and to violence against women.

140. On 3 June 1996, the Advisory Board for Refugee and Migrant Affairs sent to all ministries and to the Association of Finnish Local Authorities a letter detailing the situation and inviting the authorities to improve the participation opportunities of immigrants and ethnic minorities. The letter remarked that little has been done about the discriminatory structures existing in society and that only the most serious, individual, manifestations of racism attract public attention. Therefore, the Advisory Board suggested that those responsible for the human resources policy of the State and municipalities strive to include immigrants and members of ethnic minorities, especially in organs handling issues of concern to these groups. The State, municipalities and other public corporations should also make more efforts to recruit persons with such backgrounds.

141. The Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism observes that the Ministry of Education should grant support to minority culture groups for activities geared to preserve their own culture and identity. Subsidies should be granted for the purpose of fostering the mother tongue, covering the costs of events which maintain cultural traditions, maintaining contacts within minority cultural groups, supporting individual art and other cultural pursuits, projects which promote contacts between minority cultures and the mainstream culture, research and information relating to immigration and measures to prevent racism and xenophobia. Furthermore, the Decision-in-Principle stresses that in staff training, the ministries and their subordinate administration should use representatives of immigrants as teachers and experts. Efforts will be made to promote the recruitment of persons representing ethnic minorities in the State administration.

142. One of Finland's national themes during 1997 - proclaimed the Year against Racism by the European Union - is to support immigrants' associations and projects in general.

III. IMPLEMENTATION OF ARTICLE 3

143. Nothing to report.

IV. IMPLEMENTATION OF ARTICLE 4

144. See also paragraphs 1-15 above.

Concluding observations of the Committee concerning legislation

145. In paragraphs 8 and 20 of its concluding observations (CERD/C/304/Add.7) the Committee on the Elimination of Racial Discrimination deems that articles 2 and 4 of the Convention on the Elimination of All Forms of Discrimination have not yet been fully implemented in Finnish legislation. The constitutional and penal reforms should comply better with the provisions and spirit of the Convention. The Committee also regrets that there is no law in Finland which prohibits or punishes racist organizations. Referring to the Committee's observations, the Council of State has suggested in its Decision-in-Principle for the Government Programme on Immigration and Refugee Policy that legislative changes be considered in order to better implement the Convention. However, when reforming the Constitution Act and the Penal Code, special care was taken to abide by the guidelines set out in the Convention.

146. The Committee has expressed concern about race and ethnic origin not being explicitly mentioned as a ground of discrimination in section 5 of the Constitution Act. As has been noted in the Government Bill, however, the concept "origin" used in the Constitution Act is understood to cover both national, ethnic and social origin as well as the concepts of "race" and "colour" used in human rights treaties.

147. As regards the recommendation to prohibit racist organizations, the Government acknowledges that there do exist today in Finland the kind of loosely organized ultranationalist and racist action groups mentioned by the

Committee. However, they are not significant organizations or political parties. Often these groups are not even registered. A condition for founding an association is that its by-rules do not violate law or public decency. If this condition is not fulfilled, for example if an association aims at removing the democratic rights of the people, the Associations Act stipulates that it may not be entered into the register of associations. Likewise, if the operations of an association are found to be in fundamental violation of the law and public decency, the association may be abolished by court order.

148. As regards the recommendation to punish associations, the Government does not consider this necessary, as punishment for discrimination and agitation against a population group can be imposed on the individuals in the administrative bodies and in the employ cf these associations.

149. In Finland, participation in organizations that promote racial discrimination is not classified as a punishable act. In the name of freedom of association guaranteed by the Constitution Act, everyone should be allowed to join any association of his/her choice if the by-laws of the association have not been found to violate the law or public decency at the time of registration and that the association complies with its by-laws. The situation changes if an association is ordered to be abolished on the grounds of racism. Under the Associations Act (503/1989), section 62, continuing the operation of an association that has been abolished on the grounds of racism or whose activities have been temporarily prohibited shall be punished with a fine. During the operation of an association, each member is responsible for his/her acts within the association according to the provisions on an individual's liability to punishment and the penal provisions on complicity. Similarly, the discrimination offences committed by unregistered action groups are evaluated in the light of the actual activities of the individual members of these groups, in which case criminal liability is determined according to the provisions in the Penal Code on an individual's liability to punishment and an individual's complicity.

150. The Ministerial Group on Good Ethnic Relations has also studied the need for legislative reforms following the observations of the Committee on the Elimination of Racial Discrimination. It concluded, however, that the observations do not call for any changes to Finnish legislation.

151. The Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism stresses that the threshold for intervention in racist action must be low. In future authorities must intervene in racist action by efficiently enforcing legislation. Ministries must ensure that all measures in their administrative fields conform to legislation concerning racism and to Finland's international obligations. Everyone involved must give special attention to this matter in their everyday work.

152. In February 1997 a bill was submitted to Parliament by a member of Parliament who proposed that motives such as another person's race, colour, nationality or ethnic origin, religion or a comparable factor should be grounds for increasing the severity of the punishment imposed for an offence.

V. IMPLEMENTATION OF ARTICLE 5

A. Equal treatment before tribunals

153. Following the fundamental rights reform of August 1995, guarantees of a fair trial and good public administration were secured in the Constitution Act (sect. 16).

B. Protection against violence: the police

154. The reformed general Act governing police operations - the Police Act (493/1995) - entered into force on 1 October 1995, at the same time as the Act on the Personal Registers Kept by the Police (509/1995). Both Acts have been passed in conformity with the human rights treaties and with other international obligations binding on Finland. The Police Act prescribes that the police must act in a proper and unbiased manner and work towards reconciliation. The police must not cause more harm or trouble than necessary when carrying out an operation. Nor may the police interfere in anyone's rights more than is necessary for the completion of a police operation. The Act prescribes in detail the powers of the police and citizens' guarantees of judicial relief.

155. Since the beginning of 1996, a representative of the Police Department of the Ministry of the Interior has been seated on the Advisory Board for Romani Affairs. The objective is to find ways of creating an atmosphere of mutual trust between the police and the Roma.

156. The Finnish police force also employ people one of whose parents is a foreigner. Under the State Civil Servants Act (750/1994), section 7 (8), only Finnish citizens may be appointed police officers. Members of minorities and immigrants are encouraged to take up police training.

Investigation of offences committed by the police

157. Having considered Finland's eleventh and twelfth periodic reports, the Committee on the Elimination of Racial Discrimination recommended, among other things, that the Government ensure thorough investigation of cases involving alleged mistreatment of persons belonging to ethnic minorities and foreign persons by the police (para. 22). In its concluding observations of May 1996 the Committee against Torture likewise recommended that an independent agency be established to investigate offences allegedly committed by the police (A/41/44, para. 134).

158. At the initiative of the Chancellor of Justice, the Government Bill submitted to Parliament concerning an amendment to the provisions on public prosecutors (131/1996) contained a proposal whereby the investigation of alleged offences by the police should be taken over by the public prosecutor (Act on Pretrial Investigation, 449/1987, new sect. 14 (2)). So far the police have been in charge of the investigation of such offences. The proposed revision aimed at removing any doubts about the impartiality of the pretrial investigation when the suspect belongs to the organization performing the investigation. During the consideration of the Bill in Parliament, the

Parliamentary Legal Committee proposed that the provisions be changed so that the pretrial investigation of alleged crimes committed by a police officer in private life would also be led by the public prosecutor. The Act on Amending Sections 14 and 44 of the Act on Pretrial Investigation was passed on 10 March 1997 and will enter into force on 1 December 1997 in connection with the reform of the system of prosecution.

Measures against racism and xenophobia

159. The police have the duty to investigate offences that it discovers or are reported to it. Naturally this also includes racist acts.

160. The police can only investigate criminal acts that have come to their knowledge. Nonetheless, efforts can be made to prevent and study hidden criminality. One reason why foreigners may not want to report an offence is that they may have had bad experiences with authorities in their country of origin. The plan is to have the police hold information meetings and participate in various events together with foreigners and ethnic minority groups so as to dispel any unfounded mistrust of authorities.

161. A joint action programme against racism has been implemented in the Province of Northern Karelia, where the police together with the social and educational authorities, the University of Joensuu and various NGOs is working to prevent racially motivated offences. The objective is to improve immigrants' safety in the city of Joensuu, build confidence between immigrants and the authorities, cut the number of violent acts directed at immigrants and help racist and violent youngsters get out of the vicious circle of crime. In one of the experiments conducted in this context, police officers have been teamed with social workers. The two professionals making up the team work constantly together, mainly to implement the objectives of the joint action programme. The experience gained from this project will be used for similar purposes elsewhere in Finland.

162. In the Province of Häme, the police and the social authorities have launched a project called "Immigrants' Citizenship Skills", financed by the European Union. A special citizenship skills programme to ease the integration of immigrants is being prepared and tested within the context of the project. The new approach is based on training events arranged for immigrants by the police in cooperation with social workers. These instructors in citizenship skills, familiar with immigrant affairs, distribute information to immigrants, for example about Finnish legislation, culture and traditions and official procedures. The project has also sought to activate the interaction between immigrants and authorities in a positive atmosphere and train the police to work with immigrants. The project will later be adopted throughout the country.

163. The central role of the police in preventing and investigating manifestations of racism is recognized also in the Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism. Early administrative measures will be taken in cooperation with local interest groups to prevent matters from coming to a head and to tackle the causes of racist acts. The police will intensify information about immigrants and

discrimination and increasingly participate in events arranged by immigrants and ethnic minorities. Information will be targeted also at the mainstream population.

Follow-up of racially motivated offences

164. In March 1997, the supreme command of the police force issued instructions to the entire police administration on the police recording of racially motivated offences. The police are obligated to make an entry into the recording system whenever a member of a minority group is the victim of an offence entirely or partly because his/her race, colour, national or ethnic origin is different from the perpetrators. The racist aspect or motives of an offence may be revealed by the victim or another interested party, or such a conclusion may be drawn by the police. In cases open to doubt the police must register the offence as a racist act on the grounds that the perpetrator is unknown at the time the offence is reported and the motive can only be guessed at.

165. Technical alterations have been made to the police recording system, permitting the distinction to be made between offences deemed racially motivated and others. The supreme command of the police force will have nationwide statistics compiled on the basis of the police recording system and is responsible for reporting. As reports of offences may contain sensitive information about individuals, reporting is handled by the police themselves.

C. Political rights

166. When the Constitution Act was being reformed, it was noted that the right to vote and the right to participate belongs to the individual's fundamental rights. The former chapter II (fundamental rights) of the Constitution Act that was in force until 1 August 1995 did not contain a provision referring to the right to vote or other rights to participate. Provisions on the right to vote were, however, included in the Parliament Act which is part of the constitutional laws of Finland.

167. In connection with the fundamental rights reform, the right to vote in national and municipal elections and referenda was laid down in a new section 11 of the Constitution Act. This did not imply a factual change of the conditions governing the right to vote. Every 18-year-old Finnish citizen has the right to vote in national and municipal elections and referenda. In addition, non-Finnish citizens residing permanently in Finland also have the right to vote in municipal elections.

168. A provision securing a right to participate going beyond the right to vote was added as section 11 (3) to the Constitution Act. It stipulates that the task of public authorities is to promote the opportunities of an individual to participate in the activities of society and to influence decision-making affecting him/her.

169. When Finland became a member State of the European Union at the beginning of 1995, all citizens of the European Union residing in Finland acquired the right to vote and eligibility for office both in the elections

for the European Parliament (Act on the Election of Representatives from Finland to the European Parliament, 272/1995) and in municipal elections (Municipality Act, 365/1995, sect. 26) on the same conditions as Finnish citizens. The citizens of other Nordic countries living in Finland have had the right to vote and have been eligible for office in municipal elections since 1975. In 1990 these rights were also granted to other foreigners living in Finland. Under the present Act (Municipal Act, sect. 26, 1647/1995, amended on 22 December 1995) the right to vote and eligibility for office in municipal elections are held, under the same conditions as for Finnish citizens, also by citizens of Nordic countries outside the European Union, i.e. Iceland and Norway, living in Finland and, after two years' residence in Finland, by other non-Finnish citizens as well.

170. Immigrants were candidates in several municipalities in the elections held in October 1996. Out of a total of 43,104 nominated candidates, 99 were foreigners residing permanently in Finland. Altogether 12,482 members were chosen for municipal councils; 13 of these were foreigners, including citizens of Sweden, Estonia, Guinea-Bissau and Somalia.

D. Other civil rights

1. Freedom of movement and the right to leave the country

171. Freedom of movement is secured by chapter 7 of the Finnish Constitution Act. Since the fundamental rights reform the Constitution Act has contained more detailed provisions on freedom of movement. Finnish citizens shall not be prevented from returning to the country, nor shall they be expelled from the country or extradited or transported to another country against their will. Provisions governing a foreigner's entry into Finland and residence and work in Finland are contained in the Aliens' Act and Decree.

172. Anyone residing in Finland shall have the right to leave the country. However, this right may be restricted by Act of Parliament in order to ensure legal proceedings or the enforcement of a penalty or to secure performance of the obligation to defend the country.

2. Right to nationality

173. Section 4 of the Constitution Act guarantees the right of Finnish citizenship to everyone born of Finnish parents. According to the Nationality Act (401/1968, as amended by 584/1984, sect. 1 (4)), a child born in Finland who does not acquire any other citizenship acquires Finnish citizenship. Provisions on the naturalization of a foreign citizen are laid down separately in the Nationality Act.

174. A foreigner may be granted Finnish citizenship upon application after he/she turns 18 if he/she has resided in Finland permanently for five years prior to the application. Other conditions are that he/she has led a respectable life, his/her livelihood is considered secured and he/she has sufficient knowledge of the Finnish or Swedish language. A citizen of another Nordic country is only required to have lived in Finland for two years. The decision to grant citizenship is made by the President of the Republic.

175. In 1996 a total of 3,348 persons applied for Finnish citizenship, which is 1,167 more than in the previous year. The majority of the applicants were citizens of the former Soviet Union, Somalia, the Russian Federation and Estonia and stateless persons. The processing of applications takes longer now that their number has increased. Altogether 871 foreigners were granted Finnish citizenship upon application in 1996, with stateless persons and Vietnamese citizens forming the largest groups. The applications of five people were rejected. Another 210 people were granted Finnish citizenship on condition that they are released from their previous citizenship.

176. A person fulfilling certain conditions laid down in the Nationality Act has a right to acquire Finnish citizenship. In this case citizenship is granted by the Directorate of Immigration upon notification. The decision is not subject to deliberation. For example, a former Finnish citizen, the citizen of another Nordic country, an adopted child and a young person who has lived for a long time in Finland acquire Finnish citizenship upon notification. In 1996 a total of 315 notifications of Finnish citizenship were made, against 285 in 1995. Approximately 300 notifications are handled annually. About half of the notifications have concerned adopted children.

177. A person loses his/her Finnish citizenship if he/she acquires a foreign citizenship upon application or in a comparable manner.

178. The Council of State has decided in its Decision-in-Principle for the Government Programme on Immigration and Refugee Policy that all the nationality affairs shall be transferred to the Directorate of Immigration. In addition, dual and multiple citizenship shall be viewed more favourably.

3. Right to marriage and inheritance rights

179. The right to enter into marriage is laid down in the Marriage Act (234/1929). In Finland there exist no provisions or practices that would restrict the right of minorities or foreigners to enter into marriage under the Marriage Act.

180. The Inheritance Code (40/1965) contains no restrictions as to the inheritance rights of minorities or foreigners. Nor do there exist any restrictive practices.

4. Right of ownership

181. The property of every person is protected under section 12 of the Constitution Act.

5. Freedom of thought, conscience and religion

182. Section 9 of the Finnish Constitution Act states that everyone has the right to freedom of religion and conscience, the latter of which does not relate only to religious convictions. These rights include the right to profess and practise a religion, the right to express a conviction and the right to belong or not to belong to a religious community.

183. Freedom of expression is secured in section 10 of the Constitution Act. The right to freedom of expression includes the right to impart, publish and receive information, opinions and other communications without prior hindrance from anyone. The provision on freedom of expression further lays down the right to obtain information from documents and other records in the possession of public authorities.

6. Freedom of association

184. Section 10 (a) of the Constitution Act guarantees everyone freedom of association and freedom of assembly. The provision also refers to freedom of association in trade unions and professional organizations.

185. According to the Association Act (503/1989), an association must be registered if it complies with the formalities laid down in the Act. An association must have a clear ideological purpose and its registration must not be hindered by the obstacles referred to in chapter 1 of the Association Act. An association's purpose may not violate law or public decency, nor may an association be a military organization. The foundation of an association where operations include the use of firearms may be subject to a licence. Other than non-profit associations are not covered by the Association Act.

186. Foreigners are allowed to found an association on the same terms as Finnish citizens, and they may function in the administrative organs of an association. However, if an association aims at influencing government affairs, the members must be either Finnish citizens or foreigners whose country of residence is Finland. In this case also the chairman of the board of directors and at least half of the other members must reside in Finland.

7. Interpretation services

187. Under revised section 22 of the Act on Administrative Procedures (589/1996), authorities are responsible for arranging interpretation and translation services if the party in a matter that can be brought up by the authorities does not know the language used by the authorities in compliance with the Language Act (148/1922) or cannot be understood owing to a sensory handicap or a speech defect. For a special reason an authority may arrange interpretation and translation services also in other cases. The said provision states furthermore that an authority must see to it that the citizens of other Nordic countries receive the necessary interpretation and translation assistance in matters within its sphere of competence. The earlier provision in the Act on Administrative Procedures concerned only interpretation and not translation.

188. The Act on Administrative Judicial Procedures (586/1996) contains a similar provision on interpretation and translation (sect. 77). The Act is applied by administrative courts and other appellate authorities. These authorities too must provide interpretation and translation services if a person does not know Finnish or Swedish or cannot be understood owing to a sensory handicap or a speech defect.

189. The Aliens' Act, section 68, stipulates further that authorities must provide interpretation services if a foreigner in an asylum case or in a matter arising out of the Aliens' Act, which may be initiated by an authority, does not have command of the language used by the authority in compliance wit the Language Act. For a special reason an authority may arrange interpretation and translation services also in other cases stipulated by the Aliens' Act. The Aliens' Act will be supplemented with a reference to the authorities' duty to provide translation services as well. The Aliens' Act must already be construed as referring both to interpretation and to translation services.

190. The costs of interpretation and translation services incurred by municipalities in the initial phase of the reception of persons arriving in Finland as refugees are compensated in full under the Decision by the Council of State on the Reception of Refugees and Asylum Seekers (1607/1992). Interpretation centres have been established to guarantee the availability an quality of the services needed by municipalities. These services are provide by a private interpretation centre on the basis of a contract of purchase and by five recently opened regional interpretation centres catering principally to the needs of their respective municipalities. In addition to providing interpreters and translation services, the centres train authorities in the use of interpreters and are responsible for organizing further training and giving instructions to the centres' own interpreters. These arrangements aim at ending the use of unqualified interpreters and the use of relatives as interpreters. In Finland, interpretation services for refugees are complemented by the services of private interpretation centres and freelance interpreters.

E. Economic, social and cultural rights

1. Right to work

191. In its concluding observations on Finland's previous report, the Committee on the Elimination of Racial Discrimination was concerned about the discrimination against ethnic minorities and foreigners that occurs in the labour market (para. 17).

Constitution Act

192. The fundamental rights reform reinforces the rights laid down in the Constitution Act regarding employees belonging to ethnic minorities and foreign employees. The relevant provisions apply not only to the entire duration of an employment relationship but also to the recruitment of an employee. Section 5 of the Constitution Act contains a general provision against discrimination. In connection with the fundamental rights reform, provisions on the right to employment (sect. 15) and on necessary subsistence (sect. 15 (a)) were included in the Constitution Act.

193. According to section 15 of the Constitution Act, everyone has a right t procure a living through work, occupation or trade of his/her choice. Public authorities must ensure the protection of labour. They must also promote

employment and strive to secure the right to work for everyone. Provisions on the right to vocational training are prescribed by Act of Parliament. No one may be dismissed from work without grounds prescribed by Act of Parliament.

194. Section 15 (a) of the Constitution Act states that everyone who is unable to procure the security required for a dignified life has the right to necessary subsistence and care. The right to security of basic livelihood for example at times of unemployment and inability to work is guaranteed to everyone by Act of Parliament.

Penal Code

195. Increasing attention has been focused on discrimination in the recruitment of employees and in working life since the amendments to the Penal Code entered into force in the beginning of September 1995. The provision on the criminalization of discrimination in working life was transferred to the Penal Code (chap. 47, sect. 3) from the Contracts of Employment Act (320/1970) and the Merchant Shipping Act (423/1978). The present provision against discrimination has been slightly revised. Following the amendment, the general provision against discrimination became uniformly applicable to employees on hourly or monthly pay and to State office holders as well as to municipal office holders.

Chapter 47, section 3, of the Penal Code reads as follows:

> "An employer or his/her representative who, upon advertising a vacancy or recruiting a person or in the course of the employment relationship, places without weighty, acceptable grounds a candidate or an employee in a disadvantageous position on account of
>
> 1. race, national or ethnic origin, colour, language, gender, age, family relations, sexual preferences or health or
>
> 2. religion, opinions, political or professional activities or any other comparable grounds,
>
> shall be sentenced for discrimination in working life to a fine or to an imprisonment for a maximum of six months."

196. In other words, the legal provision on discrimination in working life is applied also to the advertisement of jobs and the recruitment of employees. Furthermore, this provision applies to situations where an employee has been placed without weighty, acceptable grounds in a disadvantageous position in the course of an employment relationship. This might refer to discrimination with respect to the timing of vacations or to promotion, termination of employment, lay-offs, dismissals, the conversion of full-time jobs into part-time ones, etc.

197. The grounds for discrimination mentioned in the section are the same as those for a discrimination offence (chap. 11, sect. 9). Common to all the grounds for discrimination prohibited in the said section in the Penal Code is that they pertain undeniably to the employee's person but are nonetheless outside his/her control. They refer to race, national or ethnic origin,

colour, language, a gender-related matter such as pregnancy, age, family relations, sexual orientation and health. Another category of prohibited grounds for discrimination includes various issues related to the use of civil rights. It is prohibited to discriminate against a person on the basis of religion, opinions, political or professional activities or on comparable grounds.

198. Under the Act on the Supervision of Labour Protection and on Appealing in Labour Protection Matters (689/1995, sect. 24) labour protection authorities have the duty to inform the public prosecutor if there is probable cause to suspect that an offence punishable under chapter 47 of the Penal Code has been committed.

199. A provision against discrimination similar in content to the provision prohibiting discrimination in working life contained in the Penal Code was included also in the Act on the Employment Security of a Municipal Office Holder (484/1996), which entered into force on 1 July 1996. The penal provision concerning discrimination in working life contained in the Penal Code also applies to municipal office holders.

200. On 31 August 1995, the Ministry of Labour informed its subordinate administration of the new provisions and their application. The circular was followed by staff training. For example, officials must start applying the general provision against discrimination when offering employment services.

Contracts of Employment Act

201. Section 17 of the Contracts of Employment Act (320/1970) lays down the general duties of an employer:

> "When drawing up a contract of employment or otherwise in the course of an employment relationship an employer shall comply at least with the terms of remuneration and other terms that have been laid down with respect to the work in question or comparable work in the general, nationwide collective agreement concluded in the said sector.
>
> If a contract of employment is in some parts inconsistent with the provisions in subsection 1, the said parts of the contract of employment shall be considered void and the corresponding regulations of the relevant collective agreement shall be observed instead.
>
> An employer shall treat his/her employees equally, so that no one is placed in a different position than the others on the grounds of origin, religion, age, political or trade union activities or for a comparable reason (611/86).
>
> The provisions in subsection 3 above on the equal treatment of employees shall be applied also when recruiting a person (935/87).
>
> Discrimination on the grounds of gender is prohibited in the Act on Equality between Women and Men (609/86), (611/86) and (935/87).

> The provisions in subsections 1 and 2 shall be considered peremptory provisions of Finnish law, as referred to in section 12 of the Act on the Act Applied to Contracts of an International Character (466/88), when a contract of employment on the grounds of which a foreign employee is employed in Finland concerns work other than design, control and training related to the purchase of a machine, appliance or expert system and relevant installation, repair or maintenance work or the transportation of persons and goods through Finland or to Finland, when such work is of a temporary nature and cannot be carried out by Finnish labour force (466/96)."

202. The provision lays down the obligation to treat all employees equally and a standard legal basis for the generally binding nature of a nationwide collective agreement. Thus an employer must comply with the minimum level fixed in the generally binding collective agreement and with legal provisions. The generally binding nature of collective agreements under section 17 of the Contracts of Employment Act also applies to unorganized employers and employees.

Manpower services

203. The State shall improve the efficiency of the labour market by organizing and developing manpower services to support the professional development and placing of private persons and to secure the access of employers to manpower (Manpower Services Act 1005/1993, sect. 1). When providing manpower services attention must be paid to the requirements arising from the free movement of workers across national borders and to the promotion of gender equality on the labour market (sect. 3 (4)).

204. According to the Manpower Services Decree, section 6, the needs of the Finnish-, Swedish- and Sami-speaking populations must be taken into account when arranging manpower services.

205. The Manpower Services Act is applied to non-Finnish citizens in compliance with the international conventions binding on Finland and having regard to the separate provisions on the employment of the said persons (sect. 2). The employment of a non-EEA citizen and the obligation for such a person to have a work permit is defined on the grounds of the Aliens' Act (378/1991, as amended by 639/1993 and 154/1995) and Aliens' Decree (142/1994, as amended by 222/1995).

206. The Manpower Services Decree (1251/1993), section 2, lays down that citizens of States who, on the basis of international conventions on the freedom of movement of workers binding on Finland, have a right to arrive in Finland to seek work and to accept work without a work permit are treated like Finnish citizens when manpower services are being provided, unless otherwise stated in the said conventions. Other non-Finnish nationals are also treated like Finnish citizens when manpower services are being provided, on condition that they have been granted an unrestricted right to accept work on the grounds of a residence permit or a residence permit and work permit. Persons entitled to accept work in a specific occupational field are treated like Finnish citizens when manpower services are being provided, on condition that

they have been granted a residence and work permit authorizing continuous residence in Finland. In principal permanent residence permits are issued to foreigners who have resided in Finland without interruption for two years (Aliens' Act, sect. 16 (5)).

Manpower services targeted at the Roma and Sami populations

207. The Roma have been the object of special manpower policies such as training. In particular this has concerned Roma women, for whom, for example, Romani dressmaking courses have been arranged providing skills valuable in working life. The vocational adult education centre Ammatti-instituutti operating in Helsinki has launched a project called Romako. The Romako project targets Roma who seek training or work, and its goal is to produce a set of measures to promote the equality of Roma in the labour market. Participants in the project undergo individual tests to determine the type of training and/or work that would best suit their interests and skills. The Romako project has provided the Roma with the opportunity, for example, to finish comprehensive school, study the Romani language and culture and participate in practical training or experimental work and training, which in turn may provide an indication of the most suitable vocational or apprenticeship training.

208. Manpower services reserved for the Sami population are provided in the Sami language and related brochures, forms and other information is also available. The Sami can attend employment-promoting training at the Educational Centre of the Sami Area owned by the Finnish State and located in Inari. Much of the training organized by the centre consists of Sami-language studies or relates to traditional occupations such as reindeer husbandry and handicraft. Within the framework of the Agreement on Cooperation among the Authorities and Agencies of Finland, Iceland, Norway, Sweden and Denmark in the Field of Occupational Rehabilitation and Employment, the Sami can participate in employment-promoting training in Norway and Sweden.

209. Among the Interreg programmes funded by the Structural Funds of the European Union, the plan of action, in particular of the Interreg II Programme of the area north of the Arctic circle, includes measures for developing Sami industries and culture and, more generally, for creating new jobs in the border district in the area north of the Arctic circle.

The MASI working party

210. In spring 1995 the Ministry of Labour mandated a working party (MASI) to find ways of easing the access of immigrants to the labour market and training. The working party is to gather and analyse information gained from immigrants' employment and training projects and develop an operations model for the services needed for immigrants. It has proposed that the marketing of immigrants' language skills and know-how become part of the services provided to employers by job centres. One objective of the MASI project is to influence employers' attitudes. The working party will issue its final report in spring 1997.

Immigrants' employment situation and the discrimination encountered by immigrants in working life

211. Lately there has been much debate about immigrants' employment in a situation where both unemployment and immigration have been on the rise and where people no longer immigrate to Finland principally to find work.

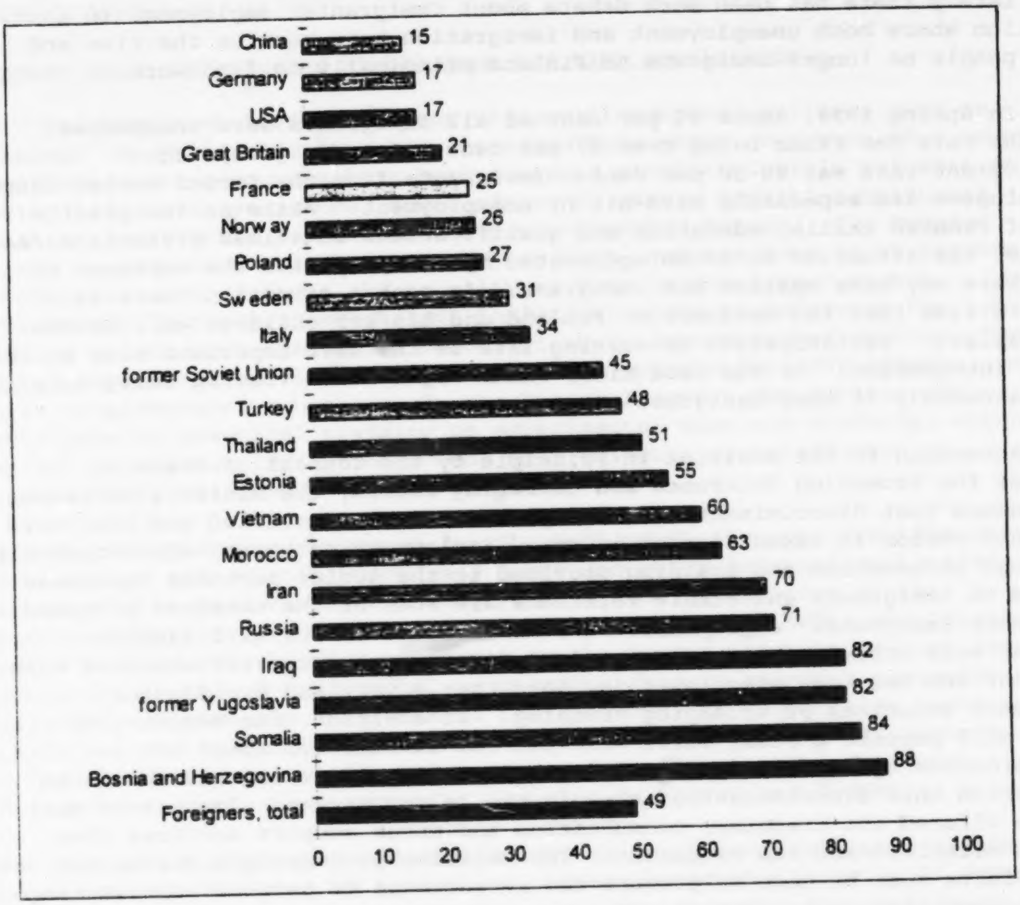
212. In spring 1996, about 50 per cent of all immigrants were unemployed, with the rate for Finns being over 17 per cent. In some groups the unemployment rate was 80-90 per cent. Immigrants from the former Soviet Union and refugees are especially hard-hit by unemployment. While an immigrant's lack of Finnish skills, education and qualifications sometimes presents a real problem, the situation is often aggravated by the prejudice the employer or co-workers may have against the immigrant. In such a situation there is a definite risk that the newcomer to Finland and his/her children will become marginalized. Participation in working life is the most important step on the way to integration. At the same time, Finns might start viewing immigrants more favourably if they had jobs.

213. According to the Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism, the Ministry of Labour must ensure that discrimination at workplaces can be identified and that more efficient action is taken to root it out. Employment services, apprenticeship training, information and training provided to the social partners in issues related to immigrants and ethnic relations are some of the measures proposed to promote immigrants' employment. The Ministry of Labour will launch together with other authorities a project for reviewing the situation of each immigrant who has been unemployed for more than a year and for finding employment solutions or arranging training. In addition, the Ministry of Labour will prepare a study which will provide information about discrimination against immigrants and other ethnic minorities and about the forms which this discrimination takes in the labour market. Immigrants must also be offered the training, consultation and other support services they need to establish and run companies. The Decision-in-Principle states further that efforts must be made to promote the recruitment of persons representing ethnic minorities in ministries and other authorities, for example by giving prospective employers training on the benefits of employing ethnic minorities.

214. The Advisory Board for Refugee and Migrant Affairs has participated in a project arranged by the International Labour Organization on discrimination encountered in working life. Against this background, the Advisory Board and the social partners held in May 1996 a seminar on working life issues involving immigrants and ethnic relations. The plan is to strengthen this collaboration.

215. The Advisory Board has mandated its division for social security and employment to prepare a plan of action dealing with immigrants' employment situation. The working party on immigrants' rights is, for its part, charged with analysing legal aspects of immigration, in particular discrimination and "good administrative practice".

Table 4. The unemployment rate among foreigners in Finland in 1995, by country of citizenship



Source: Statistics Finland.

The employment situation of Roma

216. Roma people often encounter discrimination when seeking work. Their chances of finding work are further weakened by their low standard of education. No separate statistics exist on Roma job seekers and their placement as the Act on Personal Registers (471/1987) prohibits the registration of data on race or ethnic origin.

217. In 1995 the Romani Educational and Cultural Development Unit subordinate to the National Board of Education made a survey of the educational and training needs of the Romani population. Of the sample individuals, 56 per cent declared that they were out of work; the figure was up to 84 per cent for those under 30 and 46 per cent for those over 40. This study highlighted the need for training to orientate Roma towards work and studies.

Work permits

218. Under the Aliens' Act, a foreigner who intends to engage in remunerated employment in Finland is obliged to have a work permit (sect. 24). However, this is not required of a citizen of a State belonging to the European Economic Area (EEA). This exemption applies also to persons who hold a permanent residence permit, former Finnish citizens, the spouses of Finnish citizens or of foreigners who reside permanently in Finland, refugees, and foreigners who hold a residence permit because they are in need of protection (sect. 25).

219. Labour administration, in practice especially job centres, as they issue statements concerning work permits, has a pivotal role in matters relating to the work permits of non-EEA citizens. Its procedures are guided by the principle whereby a foreigner's terms of employment must be the same as those applied to Finns. Section 29 of the Aliens' Act states that an employer, a contractor, a subcontractor or a provider of employment is to provide the employment authorities with an assurance that a foreigner's remuneration and other terms of employment accord with current collective agreements or, if the occupation in question is not subject to such an agreement, that they comply with the current general practice for Finnish employees. The labour protection authorities supervise that the terms of employment are respected also as regards foreigners living in Finland. Job centres, which handle work permit matters, may also request the labour protection authority to carry out inspections on the premises of an employer.

2. The right to housing

220. The Constitution Act, section 15 (a), subsection 4, prescribes that the task of public authorities is to promote everyone's right to a dwelling and to support the efforts of persons to provide their own housing. Chapter 11, section 9, of the Penal Code states further that no one may in his/her trade or profession place someone in an unequal position, for example due to race or ethnic origin. This provision is also applicable to housing services.

Housing conditions of the Roma

221. According to a survey conducted by the Ministry of the Environment in September 1996, the majority of Roma live in municipal rented flats. Prejudices often make it difficult for Roma to acquire a flat on the open market. Statistics show, however, that they have succeeded rather well in finding public housing. For example, in 1994 local authorities let dwellings to nearly half of all Roma applicants, which is above the average rate. A study based on data gathered from January to September 1995 indicates that every third Roma applicant was in urgent need of housing, for example after arriving in a new municipality. In some individual cases finding a dwelling after moving to a new municipality seems to be especially difficult.

222. In September 1996, the Parliamentary Ombudsman issued a reminder to a municipal manager who had failed to attend properly to a Roma family's housing needs and had refused to grant them a municipal rented flat. The reminder

referred to unsatisfactory preparation of the case and not to discrimination as such. Nonetheless, it happened to be a Roma family that had suffered from unsatisfactory preparation, where the particularities of the Romani culture were not taken into account.

Immigrants' housing conditions

223. Everyone in Finland may choose freely where to live. Under section 7 of the Constitution Act, Finnish citizens and foreigners lawfully resident in Finland have the right to move freely within the country and to choose their place of residence. In housing matters, foreigners residing lawfully in Finland are in the same position as Finnish citizens. Foreigners whose residence is in Finland are entitled to municipal rented housing and to housing allowance to meet part of the expenses of a rented, right-of-occupancy and owner-occupied dwelling.

224. Municipalities arrange housing for refugees and for foreigners who hold a residence permit because they are in need of protection or for weighty humanitarian reasons. This obligation stems from the agreement on the reception of refugees concluded between municipalities and the relevant provincial governments. In reality, municipalities also provide dwellings for so-called repatriates and for many other groups in need of housing.

225. Experience shows that the existence of a close-knit ethnic community and social network facilitates the integration of refugees. Single refugees in particular have moved shortly after their arrival to bigger cities and the capital area. Indeed, about half of Finland's immigrants live in the country's southernmost Province of Uusimaa, most of them in Helsinki and the surrounding municipalities. Services, such as mother-tongue classes for children, are easier to arrange if immigrants belonging to a certain ethnic group live in the same area. Problems may arise, however, if immigrants are concentrated in housing projects where the majority of occupants have been selected on social grounds. Unemployment and financial difficulties may heighten the prejudice Finns have against immigrants. Consequently, housing authorities have tried to prevent certain neighbourhoods and buildings from becoming predominantly occupied by certain population groups or becoming labelled as such.

226. In the Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism, it is laid down that the Ministry of the Environment will take care that community, local and housing planning prevents the concentration of immigrants and other ethnic groups in given parts of a municipality and the emergence of immigrant neighbourhoods. This should be done, however, in a way that does not violate an individual's right to choose his/her place of residence.

227. Usually immigrants are placed in dwellings co-financed by central government housing loans and owned by the municipality or a non-profit corporation. If there is a shortage of rented dwellings in a given municipality, efforts are made to grant loans and interest-rate subsidies for building blocks of flats in such municipalities. However, blocks of flats are

not built for immigrants alone. The occupants of State-subsidized flats are chosen on the grounds of a means test. The municipality shall ensure compliance with the selection criteria.

228. Loans and subsidies are also granted from government funds or by the Housing Fund of Finland to secure housing for certain groups, including refugees. Other immigrants often fall into the category of the homeless and thus have access to subsidized dwellings. Financial support may be granted for the building of a new block of flats if part of the flats will be let to immigrants. The Housing Fund of Finland also grants loans for the purchase of an existing flat that will be let to immigrants.

3. The right to public health and medical care, social security and social services

General

229. On the grounds of section 15 a, subsection 1, of the reformed Constitution Act, everyone who is unable to procure the security required for a dignified life shall have the right to necessary subsistence and care. Subsection 2 states that the right to security of basic livelihood at times of unemployment, illness, inability to work and old age as well as on account of childbirth and loss of provider shall be guaranteed to everyone by Act of Parliament. According to subsection 3, public authorities shall secure for everyone adequate social welfare and health services and shall promote the health of the population in the manner stipulated in greater detail by Act of Parliament.

230. The arrangement and availability of services are governed indirectly also by the provisions on other fundamental rights such as equality, the prohibition of discrimination, the right to life and personal integrity and safety, the protection of private life and the freedom of religion and conscience.

231. In Finland the right to social security and services, especially basic social security, depends on residence and on a public system maintained by municipalities and financed by tax revenues. This municipal network covers all the essential social and health services. Each municipality is obliged to provide services to its own residents, and in principle each resident of a municipality has the right to services on the same grounds as other residents in the same position ("the principle of equality"). Municipalities are also responsible for arranging urgent services to all persons residing temporarily.

232. Services must be provided to all persons that need them, regardless of financial or other status. Part of the services are free of charge, while for other services all users are charged a fixed sum. The latter principally include non-institutional care and institutional care of short duration. A person who needs services over a long period of time is charged for them according to his/her ability to pay. Those with the least means do not need to pay for the services.

The Sami

233. The mother tongue of the Sami must be taken into account when providing public social and health services to them. The Act on Children's Day Care (36/1973) contains a special provision according to which the Sami language may be used in day care, and the educational goals of day care include promoting the Sami language and culture in cooperation with representatives of the Sami culture. Day care in the Sami language is available in Utsjoki, Enontekiö and Inari.

234. According to section 9 of the Act on the Sami Thing (974/1995), the authorities must negotiate with the Sami Thing on all far-reaching and important measures which may directly and in a specific way affect the status of the Sami as an indigenous people. This obligation also concerns social and health services if they will be subject to major structural changes.

235. In 1996 the Ministry of Social Affairs and Health launched a social welfare and health-care project targeted at the Sami population and presently being implemented by the provincial government of Lapland. The intention is to gauge the scope and content of the social and health services provided to the Sami, look at eventual problems and defects in the arrangement of such services and make improvement proposals. The project will be completed in autumn 1997.

The Roma

236. The Romani population uses public social and health services. However, the matter has not been researched extensively. The Decree on Children's Day Care lays down that day care must aim at promoting the language and culture of Roma children in cooperation with representatives of the Romani culture.

237. In recent years, mediators chosen from among the Romani population have been trained to ease dealings between the authorities and the Roma. At present local advisory boards are being set up by provinces to find ways of improving the Roma's status locally.

238. In spring 1996 the Advisory Board for Romani Affairs established a division for social affairs and health composed of members of the Advisory Board and of experts. The goals set out in the division's plan of action for 1997-1998 include obtaining necessary information on the health and social status of the Romani population by charting problems related to health, health behaviour, the use of health and social services and other social issues. The division means to propose ways of improving the well-being of the Roma and of preventing and dealing with eventual problems.

239. To this end, the division for social affairs and health will collect information on health and social aspects, document the situation and collaborate, for example with the above-mentioned provincial advisory boards

for Romani affairs, in order to launch regional and local projects to promote the health and social well-being of the Roma. The intention is to work also with the authorities and with Roma studying for professions in the health and social sectors. Seminars will be arranged for information officers in the health and social sectors and for teachers and trainers, among others.

Special factors related to immigrants

240. An immigrant's status, rights and reception arrangements depend on the nature of his/her stay in Finland. The rights of a person residing permanently in the country are to a great extent the same as those of a Finnish citizen.

241. The social welfare authorities of municipalities are principally responsible for the reception of immigrants. Social and health services are a crucial element in the integration of immigrants into Finnish society. Municipalities provide refugees with housing, income security, interpretation, educational, cultural, social, health care and other necessary services.

242. Several laws contain provisions obliging authorities to take into account the special status of immigrants. The educational goals of day care set out in the Decree on Children's Day Care (239/1973) include the promotion of immigrant children's language and culture in cooperation with representatives of the cultures in question. The Act on a Patient's Status and Rights (785/1992) prescribes that, to the extent possible, attention must be paid to the mother tongue, individual needs and cultural factors in the care and treatment of a patient.

243. The special needs of immigrants are catered to, among others, by the Crisis Prevention Centre which was opened in 1989. The Centre, functioning under the Finnish Association for Mental Health and financed by funds from the Finnish Slot Machine Association, offers psychosocial services to foreigners living in Finland and to their family members. Services are provided regardless of an immigrant's status, and the clients include, for example, asylum seekers. The Crisis Prevention Centre has been visited by altogether 1,500 clients from 106 different countries. The number of visits in 1996 was 1,582. Individual clients usually visit the Centre two to three times. The Centre also arranges training, consultation and job counselling services for Finns in social welfare and health-care professions. Targets include municipal office holders and various organizations. The training aims at increasing knowledge about foreigners' issues and developing the content of work carried out among foreigners by the different professions.

244. Special services are also provided by the Centre for Torture Survivors in Finland (CTSF) operating under the Deaconesses' Institute in Helsinki. Its activities include the training, consultation and job counselling of persons working among refugees.

4. The right to education and vocational training

General

245. Since the beginning of 1995, it has been possible under the Comprehensive School Act (1448/1994) and the Secondary School Act (1449/1994) to teach Sami-language, Romani-language and foreign-language pupils at primary and secondary levels their own mother tongue according to the mother-tongue programme in the curriculum. In this case Finnish (or Swedish) is taught as a second language and Finland's other official language Swedish (or Finnish) is taught as an optional subject.

246. In Finland 45 languages in addition to the above are taught as a mother tongue according to Decision 248/1995 of the Ministry of Education. An appropriation has been included in the budget for this purpose. In 1995, a total of 5,013 pupils from 232 municipalities participated in the instruction of a foreign language as a mother tongue. Subjects can be taught in Sami, Romani or other languages at primary and secondary levels throughout the country (Comprehensive School Act 261/1991 and Secondary School Act 262/1991).

247. The Act on Children's Day Care states that one of the educational goals of day care is the promotion of Sami, Roma and immigrant children's language and culture with the help of representatives of the culture in question.

Instruction in the Sami language

248. In its concluding observations (para. 24) the Committee on the Elimination of Racial Discrimination recommended that Finland do all in its power to enable Sami children to pursue their studies at primary and secondary levels in their mother tongue.

249. In Finland Sami can be taught both in comprehensive school and in secondary school as a mother tongue, subjects can be taught in Sami, and Sami can be studied as a foreign language following the so-called long syllabus; it can be chosen as an optional subject both at the lower and upper levels of comprehensive school and in secondary school.

250. Sami classes and the use of Sami as a language of instruction have increased substantially in the past couple of decades. Municipalities in the Sami homeland have done their best to organize both Sami classes and instruction given in Sami, although the number of participants has been small. In the school year 1994/95, Sami classes were arranged at all the comprehensive schools and secondary schools of the Sami homeland with the exception of two, while instruction in other subjects was given in Sami at all schools in the municipality of Utsjoki, at five lower level comprehensive schools in the municipality of Inari and at one lower level comprehensive school in the municipality of Enontekiö. The Northern Sami make up the largest group of Sami, and consequently Northern Sami is the principal Sami language used at schools.

251. There are very few Skolt Sami. The Skolt Sami language is nonetheless taught at four lower level and two upper level comprehensive schools in the municipality of Inari. A few subjects are also taught in Skolt Sami. According to the data provided by the division for Sami instruction of the Province of Lapland, Skolt Sami classes and instruction using Skolt Sami were given at the following schools to the following number of pupils in the school year 1995/96:

Ivalo lower level	2 pupils
Sevettijärvi lower level	23 "
Nellimi lower level	4 "
Akujärvi lower level	4 "
Sevettijärvi upper level	19 "
Ivalo upper level	1 "
Total	53 pupils

252. The number of Inari Sami is likewise small. According to the same source, in the school year 1995/96 Inari Sami classes were given in the municipality of Inari at four lower level comprehensive schools, one upper level comprehensive school and one secondary school as follows:

Inari lower level	9 pupils
Ivalo lower level	3 "
Akujärvi lower level	2 "
Nellimi lower level	9 "
Inari upper level	2 "
Ivalo secondary school	3 "
Total	28 pupils

253. During the school year 1996/97 a group of students from different schools started studying Sami in Rovaniemi. Other areas outside the Sami homeland where the Sami language is taught are Helsinki and Espoo.

254. For some time it has been possible to take a mother tongue examination in the Sami language in the matriculation (secondary-school-leaving) examination. Since 1994 a few students every year have taken their mother tongue examination in Northern Sami. Utsjoki secondary school is the only secondary school in Finland where a few subjects are taught in Northern Sami.

255. All in all 171 pupils studied Sami as a mother tongue in Finland in the school year 1995/96, and 113 pupils participated in instruction given in Sami. Altogether 325 pupils studied Sami as an optional subject.

256. The curriculum guidelines of comprehensive school, secondary school and vocational school have been or are in the process of being translated into Sami. Curriculum guidelines for comprehensive school and secondary school include a Sami language programme. At present auxiliary material is being produced for teachers of Sami or of subjects taught in Sami.

257. The State actively encourages the production of Sami-language educational material, and the budget has traditionally included an appropriation for this purpose. Since 1993 this appropriation has been Fmk 1.5 million a year; in 1997 it was Fmk 1.3 million. The Sami Thing decides on the use of the appropriation. However, the production of textbooks does not depend only on funds. It is hard to find persons capable of editing textbooks in Sami, and in any case the work would proceed slowly as it would probably have to be done on a part-time basis. It would be especially hard to find persons to produce textbooks in Skolt Sami and Inari Sami. Municipalities in the Sami homeland are granted extra resources for Sami classes and instruction in Sami as laid down by the Act on Financing Educational and Cultural Services and as prescribed by the Ministry of Education on the grounds of this Act. Sami can be studied at three universities in Finland, i.e., at the Universities of Oulu, Lapland and Helsinki. A vocational training institute called the Educational Centre of the Sami Area operates in the Sami homeland.

Educational services provided to the Roma

258. In its concluding observations (paras. 13 and 25) the Committee on the Elimination of Racial Discrimination drew attention to the status of the Roma in the field of education.

259. Since Finland's last report, reinforced action has been taken locally to improve school attendance by Roma children. For example, in 1995, 236 children were taught the Romani language in Finland. While the effects of increased Romani language instruction on the school attendance of Roma children have not been studied, Roma teachers and parents feel that it has been beneficial.

260. Despite progress in the past years, Roma's level of education remains lower than that of the mainstream population. Roma drop out of school more often than other children, although here too the situation has improved markedly in the past few years. The transfer of Romani pupils to special groups on too slight grounds and their modest participation in further education continue to pose problems. Furthermore, the austerity measures taken by municipalities have affected the remedial instruction so important to many Roma students.

261. The Romani Educational and Cultural Development Unit subordinate to the National Board of Education is responsible for planning and providing education to the Romani population at the national level. It also promotes the Romani language and culture. Educating and informing the public about Romani issues is another task of the unit.

262. Roma acting as Romani language teachers and as school assistants have supported Romani pupils and functioned as mediators between teachers on the one hand and schools and homes on the other. The new Decree on Children's Day Care states clearly that one of the educational goals of day care is the promotion of, among others, the Romani language and culture with the help of a representative of the Romani culture. In this connection the National Board of Education is preparing a tape composed of traditional Roma children's songs. In its efforts to help promote the Romani language and culture the National Board of Education has also designed educational and teaching material.

263. Recently a Romani-language textbook for the lower grades and a Romani-Finnish-English dictionary for schools have been published, and the National Board of Education has made a video on the Romani culture for comprehensive school pupils and an informative booklet for teachers. Material is being produced for municipal authorities showing them how to take the needs of a Romani pupil into consideration and how to organize Romani classes using the available resources.

264. The Romani Educational and Cultural Development Unit organizes every year career training for teachers of the Romani language. A working party responsible for planning vocational training for teachers of Romani recently issued a memorandum suggesting that training for class teachers and subject teachers specialized in the Romani culture be launched and that qualified counsellors in the Romani culture start being trained.

265. The Romani Educational and Cultural Development Unit has conducted a nationwide survey on the educational needs of the Romani population. The study revealed that the level of basic education and vocational training in this group is still below average. Attitudes towards education have become more favourable in the past few years, however. Two thirds of the Roma questioned for the survey wanted vocational training. They requested more counselling in the choice of a career and more information on different study and training opportunities. Interest was shown especially in the social and health sectors, business and administration, the motor trade and transport and the catering and food industry.

266. Each year the National Board of Education supports and finances reading, writing and arithmetic classes at open colleges and folk high schools and in prisons, completion of the comprehensive school curriculum and instruction in the Romani language and culture. The National Board of Education continually publishes guides for use by the authorities, and it has received funding from the European Union for this purpose.

267. Exhibitions, seminars and other events dealing with the Romani culture provide an opportunity to inform the mainstream population. The Romani Educational and Cultural Development Unit annually trains persons to act as mediators between the Roma and authorities. In order to promote the Romani language, the Unit arranges every year summer courses in the Romani language.

In 1996 they were held in three different places in Finland. The Unit also publishes a newsletter aimed at the Roma and containing information on education and training.

Educational services provided to immigrants

268. On the grounds of the Comprehensive School Act, section 4 (4), a municipality may receive a statutory State subsidy if it decides to arrange pre-school classes for groups of immigrant children who have turned six or are of compulsory school age. The provision incorporated into the Act was initially applied only to refugees and asylum seekers, who have always received such instruction. In 1995, 397 pupils from 28 municipalities participated in pre-school classes for refugees and asylum seekers.

269. The Decision (104/1997) issued on 30 January 1997 by the Ministry of Education was a significant improvement in that it extended pre-school instruction to all immigrants referred to in the Comprehensive School Act. The objective of pre-school, which lasts six months, is to promote the integration of immigrant children and youngsters into Finnish society, endow them with the skills - including skills of the Finnish language - necessary at comprehensive school as well as help them master their mother tongue and understand their culture. A pupil may be transferred to comprehensive school immediately when he/she reaches a sufficiently advanced level.

270. In addition to the above, immigrants are provided any necessary remedial instruction in different subjects at comprehensive school, secondary school, adult secondary school and the adult classes of regular secondary school, and instruction is given in the pupil's mother tongue. As mentioned above, 45 different languages have been taught as a mother tongue at Finnish schools in recent years.

271. Plans are under way to develop the vocational training of immigrants. At present the National Board of Education allocated extra funds mainly for classes in the Finnish language.

272. The training provided by labour districts to immigrants includes language courses and an introduction to Finnish society, educational opportunities and working life.

5. Participation in cultural activities

Promoting immigrants' own culture

273. The Ministry of Social Affairs and Health has granted funds to associations established by refugees for helping refugees preserve their culture and mother tongue. These associations have held traditional festivals, purchased folk music instruments and peasant costumes for performers and organized, for example, photograph and art exhibitions with the refugees' native country as the theme. Several associations publish magazines

in the refugees' mother tongue and arrange mother-tongue classes especially for children and illiterate women. Since the beginning of 1997 the Ministry of Education has granted funds for these purposes from the sum allocated for the promotion of minority cultures.

274. The Summer High School Association in Finland, with the help of funds from the Slot Machine Association, has organized summer and weekend camps aimed at promoting immigrant children's and youngsters' mother tongue and culture. The instruction at the camps is given by teachers having the same ethnic background as the children.

F. Access to any public place

275. In its concluding observations (paras. 19 and 28) the Committee on the Elimination of Discrimination expressed concern about cases in Finland where a person has been denied access to places of service and entertainment on the grounds of national or ethnic origin.

276. Under section 9 of chapter 11 of the Penal Code, a person who for example in his/her trade or profession or in the exercise of official authority, without a justified reason refuses someone service on generally accepted terms or refuses someone entry to an event due to his/her race, national or ethnic origin, colour or another comparable circumstance, is guilty of discrimination. The maximum sentence for discrimination is six months' imprisonment.

277. In the past years in Finland there have been some cases where a Roma, a foreigner or a member of another ethnic minority has been refused access to a place of service or entertainment, usually a restaurant. Here is a summary of some of the cases:

(a) In November 1994, the Court of First Instance of Jyväskylä considered that the manager, the head waiter and the doormen of a hotel had refused to serve three dark-coloured men on generally accepted terms due to the clients' race. The defendants were sentenced to pay fines and compensation for damage;

(b) In January 1996 the Court of First Instance of Helsinki sentenced the doorman of a hotel in Helsinki to fines and to provide two foreigners compensation for damage and suffering caused by discrimination;

(c) In May 1997 the Court of First Instance of Vantaa sentenced a restaurant owner and a waiter to a fine after they had refused to serve a Roma person in their restaurant.

VI. IMPLEMENTATION OF ARTICLE 6

A. Cases of discrimination and assault in courts of first instance

278. In 1995, a total of 11 offences involving discrimination within the meaning of the Penal Code (Penal Code, chap. 13, sect. 6, and after 1 August 1995, chap. 11, sect. 9) were tried in Finnish courts of first

instance. The persons found guilty were all sentenced to a fine. Throughout the 1990s approximately 10 cases of discrimination a year have been heard in courts of first instance. In 1991 and 1993 two cases of agitation against a population group have been heard in courts of first instance (under chapter 13, section 5, of the then Penal Code).

279. No statistics have been compiled in Finland on the amount of damages imposed on sentenced persons. Nor do there exist uniform statistics on the cases tried in courts of appeal.

280. Cases of assault stemming from xenophobia are relatively rare in Finland. According to some studies, an estimated 5 per cent of all cases of assault are sparked by a racist motive.

Summaries of some cases

281. In November 1995 the Court of First Instance of Joensuu imposed unconditional prison sentences and damages on five young Finns who had assaulted several foreigners and damaged property. The Court of First Instance deemed that the offences had been committed solely because of the complainants' colour and race. It stated that the offences in question must be considered serious, as everyone should have a right to personal safety regardless of colour and race. The defendants had committed similar acts earlier. The decision has been appealed.

282. In November 1996, the Court of First Instance of Helsinki imposed a prison sentence on a Finnish man for having assaulted two dark-skinned foreigners. The young man who participated in the assault of the second victim received a conditional prison sentence. The severity of the punishments was increased on the grounds that the victims' colour had been the only motive of the assaults. Another aggravating factor was that there had been several perpetrators and the victims had had no chance to defend themselves. Other perpetrators were not identified.

283. In the same month and year the Court of First Instance of Tampere sentenced a Finnish woman to a fine after she had insulted a young foreign-born man unknown to her by calling him a "Muslim pig". The man responded by kicking the woman. He, in turn, was sentenced to a fine for assault. The fine was higher than that imposed on the Finnish woman.

284. In September 1997 the Court of Appeal of Turku decided to maintain a decision of the Court of First Instance of Tampere imposing a fine on a man for ethnic agitation. The Court held that the man had threatened certain groups of foreigners and circulated slander about them. Furthermore, he had insulted the chief editor of a magazine writing on refugee affairs. The man had mainly spread his writings through telefax.

285. In October 1997 the Court of First Instance of Mikkeli imposed prison sentences on four young Finns who had assaulted two foreigners. The motive was hatred against foreigners.

286. Some cases where a person has been refused entry to a restaurant are summarized in section F of the previous article.

B. International supervisory organs

287. On 30 December 1996, the Human Rights Committee adopted its Views in respect of communication No. 671/1995 concerning logging in the Sami's reindeer husbandry area near the village of Angeli. The complainants were reindeer breeders of Sami ethnic origin who had challenged the plans of the National Board of Forestry to approve logging and the construction of roads in certain areas. They claimed that they had been victims of a violation by Finland of article 27 of the International Covenant on Civil and Political Rights. The court of first instance, the Appeal Court and the Supreme Court all found that article 27 of the Covenant was in principle applicable to the case. However, they did not find that the planned activities had reached such a level which would have constituted breach of that article.

288. The Committee noted that it was undisputed that the authors were members of a minority within the meaning of article 27 of the Covenant and as such they had a right to enjoy their own culture. The Committee also noted that it was undisputed that reindeer husbandry was an essential element of the authors' culture. The Committee was, however, unable to conclude that the logging that had been carried out and planned would constitute a denial of the authors' right to enjoy their own culture. Nonetheless, the Committee observed that if logging plans in future were to be approved larger than those already decided upon or that their effects would be more serious than could be foreseen at present, the Committee might find it necessary to consider whether their execution would constitute a violation of the authors' right under article 27. Furthermore, the Committee pointed out that when Finland takes measures affecting the rights referred to in article 27 it must bear in mind that though different activities in themselves may not constitute a violation of this article, such activities, taken together, may erode the rights of Sami people to enjoy their own culture.

C. Freedom of the press

289. The Ministry of Justice is responsible for supervising compliance with the Freedom of the Press Act (1/1919). If it is discovered that printed matter that has been published is criminal in contents, the Ministry of Justice must order that charges be raised and, if necessary, that the printed matter be confiscated. If the public prosecutor or chief of police becomes aware of such an offence he/she must report it to the Ministry of Justice. As a rule, the contents of printed matter are controlled on the basis of complaints made to the Ministry of Justice.

290. In its Action Plan against Racism, the Ministerial Group on Good Ethnic Relations stresses that charges must be raised if printed matter is found to be racist in contents or to contain an exhortation to discriminate against a population group. The Council of State has, for its part, reminded authorities in its Decision-in-Principle on Measures for Promoting Tolerance and Combating Racism that the threshold for intervention in racist action must be low.

291. Matters concerning freedom of the press are relatively rarely submitted to the consideration of the Ministry of Justice. In 1996 the Ministry was asked to issue a decision in two cases pertaining to ethnic discrimination.

In neither case were circumstances such that they would have merited further investigation or the raising of charges by the Ministry under the Freedom of the Press Act.

292. One of the two cases concerned a Sami person's and a Sami association's request that the Ministry of Justice investigate whether there was reason to raise charges under the Penal Code, chapter 11, section 8, on the grounds of agitation against a population group with respect to certain articles published in some newspapers in Lapland (Decision of 8 February 1996, reg. No. 783/74/95). In its decision, the Ministry of Justice declared, among other things, that "the essential elements mentioned in the Penal Code, chapter 11, section 8, include concepts that relate to certain fundamental values interpreted differently by different people and that the writing expresses in a somewhat provocative and overstated manner views about the implementation of the Sami Cultural Autonomy and a Government Bill on the matter and about the general debate that the issue has led to in Finland".

293. The other case dealt with a series of articles published in an afternoon paper on 7 August 1996. The writing was about a group of foreigners residing permanently in Finland and applying for Finnish citizenship. The articles included a statement made by a member of Parliament during an interview. Following the public reaction caused by this statement, the Ministry of Justice decided on its own initiative to find out whether the statement fulfilled the essential elements of the offence (agitation against a population group) mentioned in the Penal Code, chapter 11, section 8. According to the decision issued (6 September 1996, reg. No. 3026/74/96), the series of articles did not fulfil the essential elements of the said offence because, in line with the earlier exchange of opinions in Finland about the matter, the articles "reflected the different views existing in Finland about the country's refugee policy and the status of refugees in Finland". While certain opinions voiced by the member of Parliament in the interview were considered provocative, perhaps even malicious, they were of a general nature and addressed no one in particular, and they too were seen as reflecting earlier discussion about refugee policy and the status of refugees. With reference to a judgement of the European Court of Human Rights (*Castells v. Spain*, 23 April 1992), the Ministry of Justice emphasized the importance of freedom of expression to a member of Parliament, especially to one belonging to the opposition and especially where it concerns criticizing government policy. According to the decision of the Ministry of Justice, it should be considered that the member of Parliament "directed the brunt of his statement at the Government's refugee policy and/or the activities of the authority in charge of affairs relating to the foreigners, i.e., it constituted a criticism of the public exercise of power rather than a threat, malicious falsehood or insult aimed at a population group". In the Ministry of Justice's view, the action of the journalist or of the editor-in-chief or their eventual carelessness when reporting on and publishing the member of Parliament's statement also did not give reason for raising charges. The same conclusion was drawn regarding the essential elements under the Penal Code, chapter 11, section 8, as in the above-mentioned decision.

294. In February 1997 the Ministry of Justice suggested to the District Prosecutor of Helsinki that charges be raised against a person or persons who were to be considered guilty of an offence relating to certain published

writings, or of participation in committing the said offence (14 February 1997 reg. No. 3569/74/96). The chief editor was the same in respect of all the publications. In the opinion of the Ministry of Justice, "the publications in question had disseminated ideas among the public, containing threats, slander or insults addressed to certain racial, ethnic or religious groups, within the meaning of the International Convention on the Elimination of All Forms of Racial Discrimination and chapter 11, section 8 of the Penal Code, providing a punishment for such offence". In October 1997 the Court of First Instance of Helsinki sentenced the chief editor of the publications to fines for ethnic agitation.

295. More detailed provisions on freedom of speech in the mass media, required under section 10 of the Finnish Constitution Act, have been drafted by the Committee on Freedom of Speech that was set up by the Ministry of Justice on 24 August 1995 and which issued its report on 18 February 1997. These new provisions would replace, among others, the Freedom of the Press Act. According to the proposal, it would be up to the State public prosecutor to decide whether to raise charges for an offence based on the contents of a published message and subject to public prosecution. Furthermore, right of action for an offence by press publication would be transferred from the Ministry of Justice to the State public prosecutor.

296. The case involving the chief guard of a prison who had been severely admonished, discussed at the consideration of the previous periodic reports, was dealt with again in May 1996 at the Committee against Torture, where the chairman of the Finnish delegation gave a detailed report on the matter.

VII. IMPLEMENTATION OF ARTICLE 7

A. Education and training

1. Comprehensive school, secondary school and vocational training

297. The Committee on the Elimination of Racial Discrimination drew attention in its concluding observations (paras. 14 and 26) to the role of human rights issues in Finnish schools. The curriculum guidelines of comprehensive schools, secondary schools and vocational training institutes feature education in human rights, an introduction to different cultures that seeks to instil a sense of respect for these cultures, multiculturalism and the promotion of tolerance. One of the cornerstone principles on which education in Finland rests is the principle of equality among all people, regardless of gender, race or financial standing. This value is laid down also in school legislation. A plan of action has been drawn up to promote interaction among different cultures at schools.

298. The Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism states that when revising the curriculum guidelines, more emphasis must be given to contents which enhance tolerance, prevent racism and promote encounters between cultures. The need to teach such subjects as human rights on a larger scale will be studied with a view to acquainting Finnish students with international conventions concerning, for example, the prevention of racism.

299. Information on human rights issues, immigration and minorities' rights is provided in the teachers' initial training according to the mainstreaming principle. Some teacher training institutes teach minority and human rights issues as part of special multicultural studies (15 study weeks). These issues are increasingly present also in teachers' in-service training. During 1996 a total of 10 training events dealing with immigration, minority issues and tolerance were arranged for teachers and teacher trainees. Under way is a teachers' in-service training programme for intercultural teaching (ca. five study weeks). Human rights is one of the topics of the programme.

300. According to the Decision-in-Principle by the Council of State, the initial training of teachers will include a component of intercultural education, consisting of themes such as ethnic relations, the promotion of tolerance, human rights and cultural identity, as well as immigrant education. More in-service training will be arranged for teachers in questions of ethnic relations, the promotion of tolerance and immigrants' education.

301. The National Board of Education and various organizations produce educational material on multiculturalism, tolerance and human rights. This work will be continued.

302. Copies of the Universal Declaration of Human Rights and of the human rights conventions and covenants will be distributed to all Finnish educational establishments in 1998, which marks the fiftieth anniversary of the adoption of the Declaration.

303. The promotion of tolerance and multiculturalism and the prevention of discrimination at school necessitate persevering action targeted at pupils as well as teachers. In addition to the above, these principles have been advanced by the following measures applied directly to schools.

304. In 1994 a plan of action was prepared for the promotion of tolerance at school. All schools and educational establishments were sent incentive material, contained in the magazines *A Tolerant School* (spring 1995) and *Towards Friendship* (in autumn 1995). A video competition around these themes was arranged at schools, and the winners were announced during the main event celebrating the theme year for tolerance.

305. Different types of teaching and educational material with tolerance as the topic are being produced continuously. Schools, teachers and teacher trainees are informed of this in connection with their training. In 1996 the Ministry of Education conducted negotiations with teacher training institutes to include the subject in teachers' initial training.

306. In autumn 1996 an information spot targeted at young people on the subject of tolerance was broadcast on Finnish television. The comic book *Bamse* targeting pupils at the lower levels of comprehensive school and likewise dealing with tolerance was published in October 1996.

307. Several organizations, municipalities and educational establishments arrange events for schools and parents around the themes of minority issues and/or foreign cultures. Efforts are made to have schools recruit immigrants

to posts other than as teachers of their own mother tongue. During 1997 the National Board of Education will undertake a study of how multiculturalism and minority issues are carried out in the municipal curricula.

2. Training for different trades and professions

308. In its concluding observations (para. 18) on Finland's previous periodical report the Committee on the Elimination of Racial Discrimination expressed concern over the training of law enforcement officials in the protection of human rights in the light of the Committee's General Recommendation XIII.

Police training

309. The central function of the police is to secure human and fundamental rights in society. Police training stresses that these rights belong equally to all members of society.

310. The authority exercised by the police must be paired with in-depth understanding of human and fundamental rights. Therefore, training in human rights issues, in line with the fundamental rights laid down in the Finnish Constitution Act and international conventions on human rights, is integrated into police training according to the mainstreaming principle. This means that human rights issues are taken up systematically in all subjects taught.

311. Human rights and fundamental rights are treated systematically as part of legal courses, principally in police administration. The main focus is on the fundamental rights reform, and its relevance to human rights and human rights conventions is pointed out whenever relevant.

312. Police training stresses that human rights are directly applicable and analyses their impact on Finnish legislation and its application. Measures to reform initial police training will include integrating fundamental rights and human rights more concretely and clearly into the subject taught, for example when studying the use of force and interrogation methods.

313. Human rights issues are also discussed during in-service training, such as at courses and at conferences on foreigners' affairs. One objective of these events is to promote tolerance by acquainting the police with different cultures.

314. The teachers at police colleges attend training where the provisions on racism and human rights and their application are reviewed. On this occasion it is decided in which courses and to what extent these matters will be studied at the colleges. A follow-up survey is then arranged, the results of which are sent regularly to the Ministry of the Interior.

315. In spring 1997 the Advisory Board for Refugee and Migrant Affairs, the Ministry of the Interior and the Police College of Tampere arranged a joint seminar for immigrants, ethnic minorities and the police in order to improve local cooperation. The plan is to organize such a seminar regularly. Under preparation is also a textbook for the police called "Encountering a Foreigner".

The training of Frontier Guard staff

316. The Frontier Guard controls the entry and departure of people into and from Finland. Every year Frontier Guard officers make 8 to 10 million passport checks at checkpoints at borders, airports and harbours, where they encounter a large number of foreigners.

317. Staff training has been increased in the 1990s in response to the growing responsibilities of the Frontier Guard. The training provided to Frontier Guard and Coast Guard staff making passport checks, to college-trained officers in supervisory positions and to officers in managerial positions also includes human rights and discrimination issues. Instruction in these topics is given in connection with such themes as a Frontier Guard officer's authority, international human rights conventions, the Schengen Agreement, encountering a foreigner, interrogating a foreigner, dealing with an asylum seeker, refusing entry into the country, client service, etc. The Ombudsman for Aliens and a representative of the Refugee Advice Centre are invited to address officers and college-trained officers in initial training. The further training of Frontier Guard officers deals more extensively with checkpoint practices and provides up-to-date information on the subject.

318. Officers responsible for passport control are also provided further training at the Frontier Guard's own courses and training events dealing with matters of current interest to frontier supervision, for example with human rights issues. Passport control officers also participate in courses arranged by the police authorities, for example in the introductory course in foreigners' affairs. On-the-job training is given in matters that have to be communicated rapidly to passport control officers.

319. Human rights and racial discrimination issues are usually taught in connection with frontier control. These issues are also taken up where possible in practical training.

The training of prison administration staff

320. The Prison Personnel Training Centre of the Prison Administration of the Ministry of Justice provides initial, further and in-service training in the prison administration sector. Its purpose is to help students understand the importance of human rights and fundamental rights in prison administration.

321. Human rights are discussed both in initial prison administration training qualifying for the occupation of prison guard and in subsequent further training for managerial positions. Instruction in legal subjects emphasizes the need to take human and fundamental rights into account when interpreting the legislation. Human rights and their importance are studied as part of initial training in a course called "Human Rights and Prison Administration" (15 hours). The instruction is completed by practical training where students study the decisions of international human rights organs and Finnish judicial authorities. The source material used includes the decisions of the Parliamentary Ombudsman regarding complaints lodged by prisoners. Besides being of particular relevance to prison administration staff they frequently deal with human rights and fundamental rights aspects. Students in initial prison administration training are also visited by a representative of the Romani population who gives information on the Romani culture.

322. Human rights are further dealt with in the in-service training of prison administration staff. For example, one of the subjects of the training event organized four times a year for supervisory staff concerns the impact of human and fundamental rights on everyday prison administration. Prison governors, for their part, are taught about human and fundamental rights during a special theme day.

The training of prosecutors

323. Since being reformed at the beginning of 1997, the initial training of new prosecutors has consisted of a study programme on human rights, international affairs, affairs relating to foreigners and foreign cultures. Plans have been made to integrate these subjects also in the in-service training of prosecutors.

The training of court staff

324. Court judges, presiding court judges and lay members learn about human rights and tolerance-related themes on various theme days and at conferences. The human rights aspect is reflected on all training, whether in seminars on the conduct of proceedings or in training dealing with the Penal Code under reform. Court staff were acquainted with the constitutional reform in special seminars treating different aspects of the reform.

The training of social welfare and health-care staff

325. Persons exercising social welfare and health-care professions also encounter a diversity of cultures in their work. This is taken into account in the initial training for these professions. For example, initial vocational training proposes an optional course on foreign cultures aimed at preparing the student for cultural interaction, among other things. According to the Decision-in-Principle by the Council of State on Measures for Promoting

Tolerance and Combating Racism, the Ministry of Social Affairs and Health will develop multicultural professional skills and practices in social welfare and public health services.

326. The social welfare and health-care professions are one of the targets of the training and information meetings arranged since 1995 in connection with the Council of Europe's and UNESCO's theme years against racism and for tolerance. The European Year against Racism motivated the National Research and Development Centre for Welfare and Health (STAKES), subordinate to the Ministry of Social Affairs and Health, to arrange in spring 1997 a theme seminar called "On Account of Age, Race, Religion" during the TERVE-SOS meeting, a yearly conference and training event in the field of social welfare and health care.

Ministries' and their subordinate administrations' staff-development training in the Decision-in-Principle by the Council of State

327. In its Decision-in-Principle on Measures for Promoting Tolerance and Combating Racism issued on 6 February 1997, the Council of State requires the ministries to start including themes relating to ethnic relations in their staff-development training, conferences and theme days. These themes should be taken up at all levels of administration. The ministries can also pool resources to arrange joint training in ethnic questions, combat racism and plan immigrant and refugee policy. This would consolidate cooperation between authorities across administrative borders. In training, the ministries should also use representatives of immigrants and national ethnic minorities. Furthermore, in their publications the ministries and their administrations should deal increasingly with questions relating to ethnic relations and discrimination. These themes must be discussed extensively in the guidelines for press relations and internal information.

B. Culture

328. As was discussed earlier, both central administration and individual schools and NGOs have dealt extensively with the theme of tolerance especially in the field of education. They have been backed by the efforts of the different administrative fields, various organizations, the media and volunteers.

1. Measures financed by the different administrative fields

329. The central administration has joined the battle against racism. It has financed several local projects as well as partly financed nationwide projects. There is, for example, a programme of the Advisory Board for Refugee and Migrant Affairs called Towards a Tolerant Finland, which was launched a couple of years ago. Within its framework altogether about Fmk 3 million have been granted, principally to various tolerance-promoting projects at the national and local levels.

330. The Ministry of Education has funded an anti-racist campaign targeted at young people and organized by Allianssi, an umbrella organization of youth organizations. During the past two years Fmk 2 million have been contributed to grass-roots tolerance-promoting projects.

331. Finland, together with the entire European Union, is celebrating in 1997 the European Year against Racism.

2. European Year against Racism 1997

332. The Council of the European Union and the assembled representatives of its member States issued on 23 July 1996 a resolution whereby the year 1997 was declared the European Year against Racism. Finland is implementing the theme year in cooperation with the other member States. The bulk of the measures to be carried out by Finland has been laid down in the Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism. The Decision-in-Principle includes measures relating to education and training, internal affairs, social welfare and health-care policy, cultural policy, housing, working life and business. The Anti-Racism Committee acts as the national coordination committee for the theme year.

333. During the theme year, anti-racism action by NGOs will be supported in a number of ways. Funds will be made available especially for the fight against racism carried out by youth organizations and groups. Youth organizations will be encouraged to draft plans of action for the prevention of racism and the promotion of tolerance. The Ministry of Education will authorize sports organizations to apply for aid from the government funds reserved for these organizations, especially in support of projects that promote tolerance through physical education and sports. Funds will likewise be earmarked for the activities of immigrants' associations and projects. In connection with the theme year, a series of information spots against racism will be broadcast on television; they will feature well-known athletes. The National Board of Education has prepared its own action programme for implementing the theme year in the field of education and training. Racist phenomena will be monitored particularly closely during 1997.

3. Towards a Tolerant Finland

334. The Advisory Board for Refugee and Migrant Affairs is continuing the action programme called Towards a Tolerant Finland, which was started in 1994 and is jointly financed by the Ministry of the Interior, the Ministry of Education, the Ministry of Social Affairs and Health and the Ministry of Labour. The programme aims at encouraging authorities and organizations to promote good ethnic relations. In this context, Fmk 2 million in 1995, Fmk 1 million in 1996 and Fmk 1.2 million in 1997 were allocated for various projects promoting tolerance and better ethnic relations. Funding has been granted on condition that the project: is a so-called pilot project; has local impact or is significant at national level; prepares persons in different occupations to encounter growing multiculturalism in working life; improves the participation of different ethnic groups in the Finnish society; increases citizens' knowledge about immigrants, reduces prejudice and encourages cooperation between Finns and ethnic minorities.

335. The following effects are also considered: improvement of the employment situation of persons belonging to ethnic minorities; participation of ethnic minorities in planning and implementation; improvement of the preparedness of persons dealing with immigrant matters; enhance monitoring of racist phenomena and discrimination; topical interest.

336. One of the most important projects funded in 1996 was a preliminary investigation concerning the development of a monitoring system for racist phenomena and ethnic discrimination. The fact that discrimination is not monitored systematically in Finland was a subject of concern at the consideration of Finland's previous report. As part of the investigation - carried out between 1 August and 31 December 1996 - the present monitoring situation and the monitoring methods in Finland and abroad were examined, the annual survey of racist and xenophobic attitudes and manifestations ("an attitude barometer") was developed, the monitoring presently performed by authorities was reviewed and a proposal was made for ways of improving the monitoring by authorities and other actors. Furthermore, international obligations binding on Finland were studied, as well as how to implement these obligations in monitoring.

337. Other funded projects include investigation by the University of Jyväskylä into the founding of companies by Finnish ethnic minorities and their self-employment.

338. The training division of the Advisory Board for Refugee and Migrant Affairs handles issues related to the training of immigrants and authorities. Recently the division sent to persons in charge of staff training a questionnaire concerning the ways in which they have responded to the training needs of persons dealing with clients from other cultures.

4. Other tolerance-promoting work

The Finnish Red Cross

339. The Finnish Government has granted the Finnish Red Cross funds for the promotion of multicultural activities. This is rendered possible by activity centres run by volunteers of different organizations, international meeting places and clubs and support persons and friend visitor services, which together form a growing and functional network. According to plans, these activities will be grouped within "multicultural centres" providing information and support to immigrants and the mainstream population. The members of residents' associations, schools and parents' associations, sports clubs and other organizations, and immigrants will congregate to discuss forms of cooperation and find solutions to any existing problems.

340. Supporting group activities among immigrants is part of the multicultural work performed by the Finnish Red Cross. There exist, for example, groups where the participants' mother tongue or Finnish or Swedish is used, cultural groups, discussion groups, other hobby circles and children's reading circles. The Red Cross also organizes language and family camps and visits by immigrants to cultural, recreational and industrial sites.

341. The Finnish Red Cross arranges courses on the contents of the most important human rights conventions, human rights education, and the protection and monitoring of human rights.

The Finnish Evangelical-Lutheran Church

342. The Finnish Evangelical-Lutheran Church strives in various ways to instil a responsible and tolerant attitude in the children, youngsters and adults with whom it works. Individual parishes cooperate with local organizations and authorities in anti-racist campaigns. The theme of tolerance is discussed at various training events and related material has been distributed for example to parishioners.

343. In October 1996, the Church Foreign Relations Council published a report called "The Church Face-to-Face with Immigrants. The Church's Work among Immigrants in an Increasingly International Finland". The report proposes measures for the Church and for other actors in society. The report "Immigrants and the Church" drafted in 1996 by the foreign relations department of the Church deals with the principles of parish work among immigrants and with tolerance and racism. In spring 1996 the National Ecclesiastical Board mandated a working party on multiculturalism to deliberate on the challenges faced by the Church in a multicultural society. Tolerance is a regular topic of discussion. The working party is to finish its work in 1998.

Sports organizations

344. The Ministry of Education has granted the Finnish Sports Federation (SLU) Fmk 500,000 in support for programmes promoting tolerance and to anti-racist projects. Sports organizations launched their tolerance-promoting programme in 1996. In this context support was granted to 29 projects and, in 1997, to 36 more projects. Support has been targeted principally at projects aiming at building cooperation between immigrants and members of linguistic and ethnic minorities, on the one hand, and the mainstream population, on the other, and at removing prejudice by providing information on tolerance, multiculturalism and immigrants. Related activities should preferably be planned and implemented locally with the help of immigrants. The tolerance-promoting programme will also study the possibility to employ immigrants in the field of sport.

C. Information

1. Informing the public about the Convention

345. Having considered Finland's previous report, the Committee on the Elimination of Racial Discrimination recommended (paragraph 29 of the concluding observations) that Finland ensure the wide dissemination of the text of the International Convention on the Elimination of All Forms of Racial Discrimination as well as of the report, the summary records and the concluding observations adopted thereon.

346. The Convention is published in the Treaty Series of the Statutes of Finland. Furthermore, it is being published in Finnish, English and Swedish in the publication series of the Ministry for Foreign Affairs. The publication will include information on article 14 of the Convention. The Ministry is also considering spreading information on the Internet. The Committee's previous concluding observations were distributed extensively to authorities, Parliament, the media and other interested parties. They received a great deal of attention in the media. Finland's previous periodical reports have been available upon request. The Ministry for Foreign Affairs will publish this thirteenth and fourteenth periodical report in Finnish and then distribute it widely.

347. The Finnish Government has commissioned a translation into Northern Sami of the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and Additional Protocols 1, 4, 6 and 7, as well as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The translations will be completed during 1997. Northern Sami is the most common of the three languages used by Finnish Sami. In Norway, there already exist translations into a Sami language used by the Norwegian Sami of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

2. The rules against discrimination in the media

Union of Journalists in Finland

348. The over 9,000 members of the Union of Journalists in Finland work as journalists, photographers and other editorial staff in different media. Since 1958 the Union has ratified ethical norms for journalism, today known as the Journalist's Guidelines. They stress respect for human dignity as part of good journalistic principles. The improper noting of differences and disparaging treatment do not belong to good journalism. The guidelines state that "everyone's human dignity must be respected. A person's colour, nationality, origin, conviction, gender or other characteristic must not be brought up in an improper or disparaging manner".

349. In 1996 the Union of Journalists in Finland published a guide called "How to report on ethnic minorities, immigrants, foreigners?" and distributed it to all members. The guide contains basic information, observations based on studies and various viewpoints. It also includes recommendations and resolutions by the Council for Mass Media. It does not lay down orders for journalists.

350. In autumn 1995 the Union of Journalists in Finland held an international conference, "The North against Xenophobia", financed by the Nordic Council of Ministers. At the conference a recommendation was issued to the media of the Nordic countries encouraging them to promote debate on racism and tolerance, to consider providing job opportunities to ethnic minorities and to make it easier for ethnic minorities to make complaints against the media.

The Council for Mass Media

351. The Council for Mass Media was established by publishers and journalists working for the press, radio and television to interpret good journalistic principles and a journalist's rights and duties. The Council for Mass Media is not a court, nor does it exercise public authority. It examines complaints lodged by anyone who feels that good journalistic principles have been violated in the press, on the radio or on television. The matter need not concern the person who made the complaint. If the Council for Mass Media finds that a medium has not observed good journalistic principles, it issues a notice that must be published by the medium in question without delay. The complaint procedure is free of charge.

352. In several of its statements regarding ethnic minorities, the Council for Mass Media has reminded journalists that professional ethics oblige them to respect recognized basic values, human rights and international solidarity and to transmit - instead of prejudices - an accurate and objective picture of foreign cultures. A person's race, colour, nationality or origin must not be highlighted unless it is of relevance. The Council for Mass Media has warned against giving a one-sided and stereotypical picture of foreign cultures and minorities, especially as readers can rarely check the facts for themselves.

The Finnish Broadcasting Corporation and the commercial television companies MTV Corporation and Channel 4 Finland

353. The Finnish Broadcasting Corporation, a corporation owned by the State and belonging to the administrative branch of the Ministry of Transport and Communications, engages in public television and radio broadcasting operations. The operations of the Corporation are laid down in the Act on the Finnish Broadcasting Corporation. It is responsible for assuring that a wide variety of broadcasting services are available to everyone on equal grounds. The Corporation operates under a Board of Directors elected by Parliament.

354. The Journalist's Guidelines referred to above also concern the reporters and editorial staff of the Finnish Broadcasting Corporation. In 1992 the Board of Directors revised the set of norms governing the Finnish Broadcasting Corporation's programme policy. One of the main principles laid down is the promotion of basic values such as democracy, freedom of speech, human rights and tolerance. The norms further prescribe that an individual's human dignity must be respected by avoiding any improper or disparaging reference to colour, nationality, origin, conviction, gender or other personal characteristic.

355. MTV Corporation and Channel 4 Finland are both independent private television companies engaging in broadcasting operations licensed by the Government. They finance their operations by selling advertising time. The companies comply with the Journalist's Guidelines.

APPENDICES

Appendix I

INVESTIGATION UNDERTAKEN BY THE OMBUDSMAN FOR ALIENS

1. A study of immigrants' experiences regarding discrimination and racism was launched in spring 1996 by the Ombudsman for Aliens working subordinate to the Ministry of Social Affairs and Health.

Initial observations

2. The Office of the Ombudsman for Aliens deals with discrimination cases. For example restaurants have been constantly reminded not to discriminate against clients. The situation has not been monitored systematically, however. The Act on the Ombudsman for Aliens stipulates that whenever discrimination comes to the attention of the Ombudsman, he/she shall intervene in the situation by giving advice and instructions.

3. In May 1996, the Office of the Ombudsman for Aliens started paying more attention to discrimination directed against immigrants and began to collect information and draft reports actively. A project was prepared for the monitoring of discrimination against immigrants. The initial objective was to gain monitoring experience and to get an overall picture of discrimination and racism.

4. The Office also started a telephone service which immigrants could call to talk about their experiences. The Office accepts (also anonymous) calls every weekday between 9 a.m. and 3 p.m. Cases are noted down and callers are advised how to sort out the situation.

5. Information has also been collected with the help of a questionnaire, which has been translated into Arabic, English, French, Swedish, Somali and Russian. The completed questionnaires are in turn translated into Finnish at the Office of the Ombudsman for Aliens. This permits also foreigners who do not know Finnish properly to report to the Office on any discrimination they may have experienced. The questionnaire may naturally also be returned anonymously. The questionnaires are either sent to immigrants or made available at international cultural centres in the capital area, asylum seekers' reception centres, the social welfare offices of municipalities that have received refugees and the offices handling immigrant affairs.

Cases reported to the Office of the Ombudsman for Aliens in 1996

6. The collection of information was started in June 1996, and by the end of the year immigrants had contacted the Office 100 times to complain about discrimination or racist incidents. The Office of the Ombudsman for Aliens did not define in advance what constituted discrimination or racism, but let the immigrants relate their experiences freely.

7. Questionnaire forms were returned and telephone calls made from 26 different municipalities in Finland. Almost half of the contacts, however, came from the capital area. The cases involved immigrants from

38 different countries, with the share of men and women being two thirds and one third, respectively. Half of the reports were made by five nationalities, i.e. Russians, Somalis, Iraqis, Iranians and Gambians. Although the survey has not been going on for a long time, certain conclusions can already be drawn by comparing the individual cases reported since the beginning of the survey.

8. In the following table the 100 cases reported to the Office of the Ombudsman for Aliens have been classified according to the form of discrimination. The most typical manifestations of each form of discrimination are marked with dashes. The material gathered so far indicates that immigrants suffer especially from the prejudice and hostility of Finns and from discrimination in the private service sector.

Form of discrimination	Share
1. Negative attitudes	30%
- name-calling - racist violence	
2. Discrimination in the private sector	30%
- especially by restaurants	
3. Discriminatory practices by authorities	25%
- especially by the police	
4. Discrimination in working life	10%
- discrimination when employees are recruited - problems at work	
5. Miscellaneous	5%
- e.g., writings about immigrants in the press	

Prejudice

9. The negative attitudes of Finns towards immigrants usually take the form of name-calling or insulting words on the street, around the home or on the bus. An extreme manifestation is racist violence, reported by 11 persons. Of these, only two had been attacked by so-called skinheads, while most assaulting people had been ordinary-looking Finns whose aggressive behaviour was quite unexpected. Immigrants from Africa were most frequently faced with racist violence.

"We have the right to select our customers"

10. Altogether 30 per cent of the cases dealt with the discriminatory behaviour of persons in service occupations. For example, a shop assistant had refused to serve a client of Middle Eastern origin, and had started complaining that he lived at society's expense and expelled him from the shop.

11. Restaurants engage in the most visible and systematic type of discrimination in the service sector. Of the complaints received by the Office of the Ombudsman for Aliens, 17 concerned discrimination by restaurants, mainly in Helsinki and surroundings. In typical cases, a foreign-looking person did not even gain entry to the restaurant. Even if a foreigner gets past the doorman he/she is the first one to be turned out into the street should any disturbance occur, regardless of who started the trouble.

12. Three immigrants complained that they had been assaulted by the doorman when being expelled from the restaurant. In the most serious case, a male refugee with a badly bruised face, head and arms came to request help from the Office of the Ombudsman for Aliens holding a two-page medical certificate. The Office advised the client to report the offence to the police and hired a lawyer to assist him. When asked for an explanation, restaurants generally blame immigrants and defend their own actions by referring to carefully formulated business ideas and the expectations of their Finnish clientele.

The practice of authorities

13. The principle of equality is sometimes overlooked in the performance of official duties as well. About one fourth of the reported cases concerned authorities, especially the police (13 cases). In one case a policeman called to investigate an assault listened only to the Finnish party, and the entire discussion was conducted in Finnish. In the end it was the foreigner - the victim - who was brought to the police prison.

14. The behaviour of municipal social welfare and health-care authorities has likewise produced a few complaints. For example, a clerk may refuse to call an interpreter or to speak any other language but Finnish. In some cases the immigrant is treated like a child and matters concerning him/her are discussed with the Finnish spouse.

15. The Office of the Ombudsman for Aliens has usually found it easy to deal with social welfare authorities. Discussions have been businesslike and open. In contrast, it seems that in the reported cases the police have at times been reluctant to admit any wrongdoing, and the cases give the impression that the superiors are protecting their subordinates. Police authorities sometimes try to divert criticism by blaming the victim instead of the perpetrator.

Discrimination in working life

16. Only 10 per cent of the discrimination reported to the Office of the Ombudsman for Aliens related to working life. Discussions often show that the immigrants do not see their rare job opportunities as a form of discrimination.

17. The fact remains that discriminatory practices are a problem in the labour market. However, they are difficult to battle as they tend to be covert. Nonetheless, the phenomenon exists, as testified by an unemployment rate of 80 per cent to 90 per cent in some immigrant groups.

18. The immigrants who succeed in securing a job do not always find it easy to deal with their Finnish colleagues. On the phone and in the questionnaire forms immigrants told of the indifferent or openly hostile attitude that sometimes surrounds them at the workplace. For example, if money disappears from the "coffee cash box", the work community tends to point its finger first at the immigrant in its midst. A promising employment relationship may be cut short without explanation.

Where to seek help?

19. Few immigrants look for help when they experience discrimination. In most cases the reason given is that seeking help does not erase what has happened and thus seems useless. Other immigrants feel that it is not worth lodging an official complaint because the authorities themselves are at the root of the problem. Many immigrants said that they did not know what to do or whom to turn to.

20. Approximately every tenth immigrant who contacted the Office of the Ombudsman for Aliens had also reported the discrimination case to the police. About as many had related the event to an official, for example a social worker. While most immigrants had been given a sympathetic ear, only one immigrant had been advised to take further action, i.e. to report the offence to the police.

21. One fourth of the immigrants in the study, or 24 persons, had asked for assistance from the Office of the Ombudsman for Aliens. In four cases a legal counsel was hired and in three other cases advice was sought from the legal counsel who had been appointed to deal with the case. In eight cases the Office contacted the alleged perpetrators of discrimination. According to the Act on the Ombudsman for Aliens, the Ombudsman can only aim at interrupting the discrimination or prohibiting further discrimination, by giving advice and instructions. Four cases did not warrant further action.

22. Several persons suggested that discrimination and racism be prohibited by law. This seems to indicate that immigrants are not sufficiently aware of the possibilities for taking action nor of Finnish legislation.

Conclusions and further action

23. The monitoring practice started by the Office of the Ombudsman for Aliens provides information on the situations that immigrants may be faced with when communicating with Finns or when getting into contact with service providers in the private sector and authorities. Different monitoring practice is necessary, e.g. for the observation of the conditions of immigrants' children and young immigrants.

24. It should be kept in mind that the systematic monitoring of discrimination should not cater only to authorities and their need for information. It is thus important that the monitoring and advising by the Office of the Ombudsman for Aliens is continued.

Appendix II

COMMENTS OF THE SAMI THING

General

1. The Sami's legal status has improved markedly in certain respects in recent years. Nonetheless, the Sami Thing notes with growing concern that since the beginning of 1995, concomitantly with Finland's efforts and plans to secure the Sami's special status and rights in legislation, administration and contractual usage, anti-Sami attitudes and activities have been gaining ground in the Sami homeland. Certain representatives of the mainstream population - and certain municipalities - cannot accept that the Sami language and culture are protected by arrangements that do not concern the rest of the population. Added to this are the anti-Sami propaganda and hostile attitudes spread by some media and media personalities.

2. Either owing to the Penal Code or for procedural reasons, public prosecutors do not on their own initiative interfere in anti-Sami phenomena. The organized anti-Sami activities of the mainstream population are so distressing to the Sami that some have started to conceal their origin. This has an effect on the Sami's actual opportunities to use their language, enjoy their culture and identify with the Sami minority and lifestyle. Anti-Sami activities are also reflected negatively on political decision-making, especially on legislative decisions concerning the Sami.

The fundamental rights of the Sami and Sami cultural autonomy

3. Legislation concerning the Sami has recently been overhauled. On 17 July 1995, as part of the fundamental rights reform (969/1995), the Constitution Act of Finland was supplemented by section 14 (3) whereby the Sami as an indigenous people were granted the right to maintain and develop their own languages and cultures. The reform entered into force on 1 August 1995. In the same connection, the Constitution Act was supplemented by section 51 a (973/1995), according to which the Sami as an indigenous people have cultural autonomy in respect of their language and culture within the Sami homeland. This was prescribed in more detail in the Act on the Sami Thing (974/1995) which concerns the representative body elected by the Sami from among their members and its competence. The Acts on Sami Cultural Autonomy entered into force in the beginning of 1996. The reform does not concern land rights or the right to engage in a trade (see report of the Committee for Constitutional Law 17/1994).

4. The addenda to the Constitution relating to the Sami and the Act on the Sami Thing enhance markedly the Sami's opportunities to develop their language and culture within the framework of a cultural autonomy. In practice, however, reforms are hindered by a lack of resources and by high-profile activities against the Sami.

5. In the Act on the Sami Thing the definition of a Sami, which was based on knowledge of the Sami language, was meant to be expanded slightly. Since the Government Bill was not detailed enough, the definition became so ambiguous (see report of the Committee for Constitutional Law 17/1994) that

several non-Sami in the Sami homeland came to believe that they could become Sami upon application. This would permit them to decide on matters related to Sami cultural autonomy and to benefit from any other rights and privileges reserved for the Sami.

6. In the statement adopted by the Sami Thing on 1 March 1996 attention is drawn to the weaknesses of the Act on the Sami Thing. The Sami Thing is opposed to the new, broader definition of a Sami and demands that the definition be based on knowledge of the Sami language, as was earlier the case under the Decree on the Sami Delegation (988/1990) and still is under the Act on the Right to Use the Sami Language Before the Authorities and under Sweden's Act on the Sami Thing (1992:1433) and Norway's Act on the Sami Thing (No. 56. 1987). Should the former Sami definition fail to be restored, there is the danger that the broader definition will lead to the forced integration of the Sami into the mainstream population, in violation of the legislation on cultural autonomy. In its statement, the Sami Thing further requires that legislation on the electoral register of the Sami Thing comply with the requirement in European Community law concerning the protection of privacy of an ethnic group.

Relations between population groups

7. The unsettled state of the Sami's rights to land and livelihood and the ambiguous definition of a Sami are gradually turning cultural autonomy against the Sami.

8. Part of the mainstream population in the Sami homeland has formed a registered association. The association works against the Sami population and Sami cultural autonomy, claiming that its own members are true Sami and the other Sami are swindlers acting out of self-interest. The purpose is to gnaw at Sami identity and to cloud and deny the existence of a Sami culture. This anti-Sami grouping has no interest in the Sami's own language and culture. Instead, they seek access as Sami to the Sami Thing against the Sami's will so that they can get their share of the economic benefits available and destroy Sami cultural autonomy.

9. The methods used by this association have included threatening the Sami publicly with civil war and violence. Lies, slander and anti-Sami propaganda have been spread about the Sami, their representatives and the officials of the Sami administration. The association has hindered the work of the Sami Thing by investigation requests to the police and highest-ranking guardians of law and order and by demanding that the Supreme Court revoke the elections of the Sami Delegation and make public the electoral registers, which are registers of an ethnic group, the Sami.

Penal legislation

10. So far public prosecutors have not considered that measures of prosecution against anti-Sami activities are warranted under Finnish legislation.

11. According to the Sami Thing, the Finnish Penal Code (chapt. 11, sect. 8) does not comply in all respects with the requirements set out in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. The article in question prescribes the criminalization of the following, among others:

(a) The dissemination of ideas based on racial superiority or racial hatred;

(b) Incitement to racial discrimination against individuals or groups of another ethnic origin;

(c) Acts of violence or incitement to such acts against individuals or groups of another ethnic origin;

(d) The provision of any assistance to racist activities, including the financing thereof;

(e) Organizations which promote racial discrimination;

(f) Organized and all other propaganda activities which promote racial discrimination; and

(g) Participation in such organizations or activities.

Linguistic and cultural rights and resources

12. Since 1992 the Act on the Right to Use the Sami Language Before the Authorities (516/1991) has guaranteed the Sami the right to write and speak in their own language when dealing with the authorities and to receive replies from the authorities in the same language. This has required translating and interpreting, which in practice complicate greatly the handling of official business. The quality of the Sami's linguistic rights under the Language Act should be assessed by comparing them to the Sami's right to maintain and develop their own languages and cultures, as laid down in the Constitution Act. The status of the Sami language in legislation on school education should be evaluated against the same background. At the Educational Centre of the Sami Area in Inari subjects are taught in the Finnish and the Sami languages, mastery of which is required of all new teachers. The Educational Centre aims at preserving and developing Sami culture and traditional Sami livelihoods. The Sami have a key position in the administration of the Centre.

13. In 1996 the Sami Thing granted equal status to the three Sami languages spoken in Finland: Inari Sami, Skolt Sami and Northern Sami. Implementation of the decision is postponed until funds are received from the State to carry out the reform. Many Sami have already switched languages from Finnish, especially in the case of Inari and Skolt Sami, but also of Northern Sami. The revival, maintenance and development of the Sami languages necessitate urgent action and special resources.

14. Funds are allocated in the State budget for the preservation of Sami culture, and their use is decided by the Sami Thing. A Sami radio station broadcasts every day programmes in Sami. Construction of a Sami museum was commenced in autumn 1996. Special action is still needed to establish Sami-language TV broadcasting operations, especially children's programmes, to support Sami art and to protect Sami handicraft and cultural traditions.

The Sami Thing's comments regarding the Committee's concluding observations

15. In paragraph 11 of its concluding observations, the Committee on the Elimination of Racial Discrimination expressed concern over the land rights for the Sami people, especially about the economic interests of national and international companies which may be threatening the way of life of the Sami (mining, logging, etc.) and recommended in paragraph 23 that the Finnish Government draft a clear policy on Sami land rights and ratify ILO Convention No. 169.

16. The present Finnish legislation does not secure the Sami's rights to land, water and natural resources, nor their right to traditional livelihoods. In question here are the Sami's rights to property as well as Sami rights under international conventions.

17. Already in 1978, the Parliamentary Committee for Constitutional Law issued a statement (7/1978) whereby the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the legal protection of the Sami could be advanced by applying the Act on the Partition of Waters equally to the Sami communities' "rights on the basis of law" and to other title-holders' rights. This has not yet been the case, neither with respect to Sami water areas nor to Sami fishing rights, the latter of which are nonetheless protected under the Finnish Constitution Act, as recognized in 1978 by the Committee for Constitutional Law (see, e.g., report 30/1993).

18. Similarly, no legislation exists on the Sami's traditional title to land nor on the related reindeer husbandry, fishing and hunting rights, despite the request of the Committee for Constitutional Law that these be dealt with urgently (see reports 3/1990 and 6/1990; Government Bill 248/1994). The Sami do not yet enjoy any special administrative status with respect to these issues.

19. In 1993 investigation of the land rights issue was assigned to the Sami Parliament, which set up a working party for this purpose. The work was continued by the Sami Thing (formerly Sami Parliament), which aims to make a proposal in the form of a Government Bill to remove some of the obstacles to Finland's ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. As stipulated by the Ministry of Justice and the Ministry of Labour, the Government must assist, including financially, the work of the Sami Thing.

20. The Sami Thing shares the concern of the Committee on the Elimination of Racial Discrimination concerning the Sami's land rights and is presently looking into the matter. The Government, which has not yet adopted a political programme on the Sami's land rights, has nonetheless requested the Sami Thing to propose a solution to the problem.

21. In paragraph 12 the Committee expressed concern over the Sami people's participation in the Sami Thing in their mother tongue. In this connection the Sami Thing wished to point out that there exist three Sami languages in Finland: Northern Sami, Inari Sami and Skolt Sami. Finnish legislation authorizes the sessions of the Sami Thing to be conducted and the minutes to be drawn up in any of these three languages. Northern Sami is the usual choice for both purposes. Sometimes sessions are interpreted simultaneously into Inari and Skolt Sami. This, however, is rendered difficult by a lack of financial resources and qualified interpreters.

22. In paragraph 24, the Committee urged the Finnish Government to do all in its power to enable Sami children to pursue their studies at primary and secondary levels in their mother tongue. The Sami Thing states that at the lower level comprehensive schools of the municipality of Utsjoki there are Sami-language classes, while in the municipality of Inari half of the instruction provided to Sami-language children is in Sami and half in Finnish. Instruction, especially at secondary level, is hindered by the non-availability of subject teachers and teaching material.

23. There are probably only a few children of school age and under whose mother tongue is Inari or Skolt Sami. The status of these languages as school subjects is being threatened by their optional nature. It is the parents who decide on the children's participation in optional instruction - the very same parents who were forbidden to even speak Sami at school until the 1960s. They hesitate to place their own children in Sami classes because they are afraid that they will not learn Finnish properly. Inari and Skolt Sami are both spoken as a mother tongue by about 400-500 people. These languages are dying out in Finland and the rest of the world. The Finnish State and scientific community do not show sufficient interest in the matter in terms of actual measures and funds. Progress could be achieved with little effort, however.

24. Sami instruction faces legislative, administrative and material problems.

25. Finnish legislation does not contain sufficiently clear provisions on organizing instruction using Sami and on Sami classes. Schools belong to local government. Legislation does not obligate municipal school administration to give Sami a special role when arranging school instruction for Sami-language children or to allocate public funds for this purpose. No such funds have been earmarked for the Sami. The outdated legislation on government support has retarded positive development, preventing municipalities from providing Sami children with instruction in line with the objectives. School instruction in the minority Sami languages - Inari and Skolt Sami - is further endangered by the optional nature of the instruction. The Sami language is the cornerstone of Sami culture and education. Instruction using Sami and Sami classes are the Sami's inherent linguistic rights, in addition to being part of the basic services owed to a citizen. In accordance with Sami cultural autonomy, administration of the Sami's basic services should belong to the Sami instead of to the bodies responsible for school administration in municipalities, as the composition of these bodies

26. Unless the Sami language and culture are transmitted from generation to generation at day-care centres and schools, they will become extinct. This will be the fate of the minority languages Inari and Skolt Sami during this generation unless rapid action is taken to preserve them.

27. The weaknesses in the social welfare and health-care services provided by municipalities can be corrected by applying the principles of Sami cultural autonomy when regulating, administering, implementing and monitoring the services provided to the Sami.

Appendix III

COMMENTS OF THE ADVISORY BOARD FOR ROMANI AFFAIRS

1. In the view of the Advisory Board for Romani Affairs, the general situation of the Roma in Finland has improved since the last periodic report was submitted. Contributing factors have included the constitutional reform, especially the provision against discrimination (sect. 5) and the provision on securing the Romani language and culture (sect. 14). As the reform entered into force only a short while ago, however, it is hard to estimate its true impact.

2. It is also encouraging that representatives of the Romani population are usually heard in legislative preparations and when matters are being dealt with by parliamentary committees. The Advisory Board for Romani Affairs usually has an important role in these hearings.

3. Individual - often undocumented - cases of discrimination remain an acute problem. For example, when granting housing to Roma, municipalities are often unwilling to take into account preferences related to Romani culture and lifestyle. Housing authorities are frequently ignorant about traditional Romani customs. It is nearly impossible for the Roma to rent flats on the free market. The Advisory Board is aware of the housing crisis that threatens many Roma. Prejudice and discrimination are often at the root of these problems.

4. The media deal with matters related to the Romani population and hear Romani experts to a much greater extent than before. Nonetheless, the Roma have noticed that some media continue to highlight only negative aspects. This stigmatizes the entire Romani population and renders difficult the work of persons promoting the Romani cause. The anti-Roma reactions sparked by such news cause the Roma to distrust and retire from all publicity. Much ground still needs to be covered before the media start reporting on minorities in a responsible fashion and an atmosphere of trust is established between the Roma and the media.

5. Discrimination against the Roma in working life has not been researched. Owing to a weak education, the "wrong" origin and Finland's poor employment situation, it is harder for them than for the rest of the population to find jobs. In a typical case of discrimination in working life, a Romani arrives at a job interview and is told that the post has already been filled. Later it turns out that the post is still vacant. Another example is a case from spring 1997, where trainees from a Romani training project went to their appointed workplace without the employer having been informed that they were Roma. When this was discovered, the trainees were treated rudely and special surveillance was arranged in the locker room.

6. Regional advisory boards are being established within the framework of a research and development project of the Ministry of Social Affairs and Health. This will increase the Roma's opportunities to improve, for example, their social conditions, employment situation, training and education at local level. Two provinces have already decided to set up regional advisory boards.

7. According to the Advisory Board for Romani Affairs, there have been no organized propaganda campaigns against the Roma. Many media draw attention to the Romani origin and negative aspects. For example, in a TV series on unsolved crimes, the suspected perpetrators are often Roma. One can ask why the programme chooses to present these particular crimes.

8. With respect to article 5 of the Convention, the Advisory Board states that while the judicial system is in principle unbiased, this is not always so in practice, and therefore Roma in general mistrust the workings of the police and judicial system. For example, a police officer might justify an identification check by saying that the person was a Roma.

9. Building trust is a long and difficult process. Roma should be included in the police force and among the lay members of courts. Information on minorities and the promotion of cooperation with minorities are not yet an integral part of training in the police force and judicial system, nor in the rest of society. This will change as police training is reformed. Since the beginning of 1996 the Police Department of the Ministry of the Interior has been represented on the Advisory Board for Romani Affairs, and ways are being sought to increase mutual trust between the police and the Roma.

10. According to the legislation restaurants and shops must treat clients on the same terms and may not discriminate against anyone because of his/her origin. In spite of this, many restaurants and shops turn away Roma. The discrimination cases occasionally brought before courts do not give an accurate picture of the extent of the problem.

11. The Advisory Board hears frequently of new cases of discrimination. For example, in September 1996, five cases were reported from Turku and two from Jyväskylä. The Advisory Board believes that the victims of discrimination rarely seek for help from the police. The Romani population has sometimes experienced that the police downplay the offence, recommending that the matter be settled out of court.

12. The representatives of the Romani population comment briefly on article 6 by saying that in principle the law protects against discrimination, but not in practice.

List of annexes

- I. Constitutional Laws of Finland - Procedure of Parliament
- II. Decision-in-Principle by the Council of State on Measures for Promoting Tolerance and Combating Racism (draft translation). Issued by the Anti-Racism Committee, Ministry of Education
- III. Summary of the proposal of the Commission for Migration and Refugee Policy for the Government's programme on immigration and refugee policy

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